

b. Operating plans shall be prepared in accordance with Env-Wm 2805 and, subject to (d) below, may be presented in the form of replacement pages ready for substitution into the last approved plan of record, each page being clearly marked to show the date of revision;

c. Closure plans shall be prepared in accordance with Env-Wm 2806 and, subject to (d) below, may be presented in the form of replacement pages ready for substitution into the last approved plan of record, each page being clearly marked to show the date of revision; and

d. Financial assurance plans shall be prepared in accordance with Env-Wm 3100;

(3) Identification of the preliminary plans incorporated by reference into the permit which provide the basis for the final plans; and

(4) A proposed schedule for implementing the modification.

(d) In the event there is no approved plan of record, as referenced in (c)(2)b. and (c)(2)c. above, or the approved plan of record does not conform to the applicable plan requirements in Env-Wm 2805 or Env-Wm 2806, a plan shall be provided that meets the applicable requirements and includes all modifications for which approval is being sought.

Source. (See Revision Note at PART Heading Env-Wm 101) #5172, eff 7-1-91; amd by #5296, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 315.07 Application Content and Format, Type III Modification. For a type III permit modification, the permittee shall provide:

(a) Facility identification;

(b) Identification of parties;

(c) A description of the proposed modification, including:

(1) Identification of the type of modification as specified by Env-Wm 315.02; and

(2) Identification of the proposed changes, as follows:

a. If for a change in facility operating hours, the days and hours of operation after the modification takes effect;

b. If for a change in site feature, a description of the changed feature and a site plan showing the changed feature;

c. If for a change in the type of recyclables collected, identification of the new types being collected and the method for storage;

d. If for a change in the type of landfill cover material to be used at the facility, identification of the type in conformance with the options provided in Env-Wm 2506.03;

e. If for a change in permittee or facility name, identification of the new name; and

f. If for a change in organizational structure, officers, directors, partners, key employees or entities holding 10% or more of the permittee's equity or debt:

1. A precise description of what is changing;

2. The personal and business disclosure and performance history information required by Env-Wm 316; and

3. Proof of operator certification if the proposed change requires a change in operator certification pursuant to Env-Wm 3300 and Env-Wm 2705.07; and

(d) A proposed schedule for implementing the modification.

Source. (See Revision Note at PART Heading Env-Wm 101) #5172, eff 7-1-91; amd by #5296, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 315.08 Application Content and Format, Type IV Modifications. For a type IV permit modification, the existing permittee and the proposed permittee, acting as co-applicants, shall provide:

(a) Facility identification;

(b) Identification of parties, both existing and proposed;

(c) Description and supporting documentation for the proposed modification, including:

(1) Identification of the type of modification as specified in Env-Wm 315.02;

(2) Reference to each written permit condition which shall require amendment to effect the proposed modification and draft language for the same;

(3) The personnel and business information and performance history information required by Env-Wm 316;

(4) Proof of operator certification if the proposed change shall require a change in operator certification pursuant to Env-Wm 3300 and Env-Wm 2705.07; and

(5) A financial assurance plan by the proposed new permittee for the cost of closing the facility pursuant Env-Wm 3100;

(d) A proposed schedule for implementing the modification;

(e) Identification and status of all other permits or approvals necessary to effect the proposed modification, if any;

(f) Proof that the host municipality and host solid waste management district have been provided a copy of the application and a notice of filing as specified by Env-Wm 303; and

(g) Proof that notification of abutters has been made in accordance with Env-Wm 303.

Source. (See Revision Note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 315.09 Application Content and Format, Type V Modification. For a type V permit modification, the permittee shall provide:

(a) Facility identification;

(b) Identification of the parties;

(c) A description of the proposed modification, including:

(1) Identification of the type of modification as specified by Env-Wm 315.02;

(2) Identification of the contents of the subject record(s), including type of information and time period covered;

(3) If the proposal is to relocate the records, identification of the following:

- a. The location where the records are proposed to be stored, by street address, municipality and state;
- b. The owner of the proposed storage location;
- c. A description of the measures that shall be taken to protect the records against destruction and to prevent unauthorized access to the records while in storage; and
- d. A description of how the department shall be provided access to the records pursuant to Env-Wm 3700; and

(4) If the proposal is to destroy the records, an explanation of need; and

(d) A proposed schedule for implementing the modification.

Source. (See Revision Note at PART Heading Env-Wm 101) #5172, eff 7-1-91; amd by #5296, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 315.10 Application Review and Decision.

(a) All applications to modify a permit shall be reviewed in accordance with Env-Wm 304 and Env-Wm 305.

(b) In addition to the provisions for denial in Env-Wm 305.03, the department shall deny any application to modify a permit if:

(1) The applicant is unable to certify compliance pursuant to Env-Wm 303.14, unless, for other than a type III permit modification, the applicant:

- a. Demonstrates in the compliance report that the circumstance(s) for non-compliance are not cause for the department to deny the requested approval pursuant to the provisions of RSA 149-M:9,IX or X; and
- b. Agrees to comply with a plan and schedule for achieving compliance.

(2) The modification constitutes a change in the facility's functional classification as described in Env-Wm 302, which otherwise requires a new facility permit; or

(3) The modification constitutes an expansion of facility operations under the provisions of a temporary permit.

(c) The department shall approve a type V permit modification request to store facility records off-site if the application demonstrates that the records shall be adequately protected against loss or damage and shall remain accessible to the department as required by the solid waste rules.

(d) The department shall not approve a type V permit modification to destroy records, if:

(1) Any benefits shall be obtained by requiring the records to be retained, for instance by assisting in development of a closure or post-closure monitoring plan or otherwise to assist future studies to determine compliance with state or federal regulations; or

(2) If the facility is the subject of any pending investigation or enforcement action.

(e) Pursuant to Env-Wm 2804, a type II permit modification granting construction plan approval shall:

- (1) Expire one year from the date of issuance if construction is not commenced; and
- (2) Be subject to terms and conditions as necessary to assure that the facility is constructed in accordance with the approved plans and specifications, all applicable rules and regulations, and other terms and conditions of the permit.

Source. #6619-B, eff 10-29-97; amd by #6894-B, eff 12-1-98

## **PART Env-Wm 316 PERFORMANCE HISTORY REQUIREMENTS**

Env-Wm 316.01 Purpose. The rules of this part are intended to provide the department with the information necessary to determine, as provided in RSA 149-M:9,III and IX, whether an applicant, owner, facility operator, or any of the applicant's officers, directors, partners, key employees, or major debt or equity holders, has been convicted of or pled guilty or no contest to a felony within 5 years of the date of the permit application, or has failed to demonstrate sufficient reliability, expertise, integrity and competence to operate a solid waste facility.

Source. (See Revision Note at PART Heading Env-Wm 101) #5172, eff 7-1-91; amd by #5296, eff 12-24-91; ss by #6619-B, eff 10-29-97; ss by #6894-B, eff 12-1-98

### Env-Wm 316.02 Applicability.

(a) Except as noted in (b) below, the rules in this part shall apply to applicants for following types of permits and approvals:

- (1) Standard facility permit pursuant to Env-Wm 314;
- (2) Research and development facility permit pursuant to Env-Wm 312, whenever the applicant is unable to certify compliance pursuant to Env-Wm 303.14;
- (3) Type IV permit modification as specified in Env-Wm 315 to transfer ownership or operational control of the facility; and
- (4) Type I-B permit modification to approve a change in the organizational structure of the permittee, including:
  - a. A change resulting in a new individual or entity holding 10% or more of the permittee's equity or debt;
  - b. The addition of a new officer, director, or partner; or
  - c. The addition of any individual or entity having managerial or supervisory or substantial decision-making authority and responsibility for the management of facility operations or activities for which approval is being sought.

(b) The rules in this part shall not apply to an applicant which is a town, governmental unit, agency or political subdivision of the state, or combination thereof.

Source. (See Revision Note at PART Heading Env-Wm 101) #5172, eff 7-1-91; amd by #5296, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; ss by #6894-B, eff 12-1-98

### Env-Wm 316.03 Disclosure Required.

(a) Applicants, as identified in Env-Wm 316.02, shall submit to the department of justice (DoJ), as part of the application, personal and business disclosure information pursuant to Env-Wm 316.06 for all entities and individuals identified in Env-Wm 316.05.

- (b) Applicants shall cooperate fully with the DoJ during the background investigation.

Source. (See Revision Note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 316.04 Form of Disclosure.

- (a) Disclosure of personal and business information shall be on such forms as provided by the DoJ.
- (b) The applicant shall sign the forms to attest to:

- (1) Having made diligent inquiry into all matters disclosed; and
- (2) The truth and accuracy of all matters disclosed.

Source. (See Revision Note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 316.05 Entities and Individuals Required to Submit Information.

(a) If the applicant is an individual, the applicant shall submit a completed personal and business disclosure form for the applicant.

- (b) If the applicant is not an individual, the applicant shall submit:

- (1) A completed business disclosure form for:

- a. The applicant;
- b. Each entity that is, or is proposed to be:
  1. A partner;
  2. An entity contracted with the applicant to operate, manage or supervise the facility or activities for which approval is being sought;
  3. An entity holding of 10% or more of the applicant's debt; or
  4. An entity holding 10% or more of the applicant's equity; and
- c. The parent corporation, holding corporation, and any other entity that exercises control over the facility or activities for which approval is being sought; and

- (2) A completed personal disclosure form for each individual which has, or is proposed to have, any of the following relationships with the applicant:

- a. Director;
- b. Partner;
- c. Officer;
- d. All individuals and entities having managerial or supervisory or substantial decision-making authority and responsibility for the management of facility operations or the activity(s) for which approval is being sought;
- e. Holder of 10% or more of the applicant's debt; or

f. Holder of 10% or more of the applicant's equity.

(c) If the applicant and the facility operator are not the same, the applicant shall also submit personal and business disclosure information for the facility operator as though the facility operator is the applicant and as described in (a) and (b) above.

Source. (See Revision Note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; ss by #6894-B, eff 12-1-98

Env-Wm 316.06 Scope of Disclosure.

(a) Each individual required to submit a disclosure form shall provide the information requested on the personal information disclosure form, including:

- (1) Personal identifying data such as name, address, physical description, date and place of birth, nationality, residential history and motor vehicle information;
- (2) Marital and family information, including information about relatives in the solid waste industry;
- (3) Education, military and professional experience, employment history, public offices, and waste management licenses and experience;
- (4) Other business and financial interests; and
- (5) Involvement in professional or environmental violations, or civil or criminal proceedings.

(b) Each entity required to submit a disclosure form shall provide the information requested on the business information disclosure form, including:

- (1) Business identifying data such as names, date and nature of organization, ownership, principal location and address, and past and present facilities;
- (2) Corporate, partnership or business venture history and structure, including information about key employees, officers, directors, partners and trustees as applicable;
- (3) Information about subsidiaries and affiliated entities;
- (4) Experience and credentials in the waste management industry, including waste permits and licenses held;
- (5) History of environmental violations, and other administrative, civil or criminal proceedings;
- (6) Equity structure and debt liability; and
- (7) Financial history.

Source. (See Revision Note at PART Heading Env-Wm 101) #5172, eff 7-1-91; amd by #5296, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 316.07 Filing of Disclosure Forms.

(a) The applicant shall transmit all original signed disclosure forms by certified mail, return receipt requested or by hand-delivery to the DoJ's environmental bureau chief in the office of the attorney general.

(b) The submittal made pursuant to (a) above shall be accompanied by a notice of filing pursuant to Env-Wm 303.12.

Source. (See Revision Note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 316.08 Background Investigation Fee. Pursuant to Env-Wm 310 and upon presentation of an accounting and request for payment from the DoJ, the applicant shall pay the cost incurred by the DoJ to complete the background investigation and prepare a report to the department as required in RSA 149-M:9,III and IX.

Source. #6619-B, eff 10-29-97

Source. #6619-B, eff 10-29-97; rpld by #6894-B, eff 12-1-98

**PARTS Env-Wm 317 through Env-Wm 319 RESERVED**

Source. (See Revision Note at PART Heading Env-Wm 101) #5172, eff 7-1-91; amd by #5296, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; rpld by #6619-B, eff 10-29-97

**PARTS Env-Wm 320 through Env-Wm 344 RESERVED**

Source. #5172, eff 7-1-91

**PART Env-Wm 345 STATE-GUARANTEED BONDS FOR CLEAN-UP OR CLOSURE OF WASTE SITES - EXPIRED**

Source. INTERIM, #5452, eff 8-26-92, EXPIRED 12-24-92

**PARTS Env-Wm 346 through Env-Wm 350 RESERVED**

## **CHAPTER Env-Wm 2100 COLLECTION, STORAGE, AND TRANSFER FACILITY REQUIREMENTS**

Statutory Authority: RSA 149-M:7

### **PART Env-Wm 2101 APPLICABILITY**

Env-Wm 2101.01 Applicability. The rules in this chapter shall apply as specified in Env-Wm 101.02(c) to collection, storage and transfer (C/S/T) facilities, including transfer stations and recycling facilities.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

### **PART Env-Wm 2102 PERMITTING REQUIREMENTS**

Env-Wm 2102.01 Permit Required.

(a) A permit issued pursuant to the solid waste rules shall be required for construction, operation and closure of a C/S/T facility, unless exempt pursuant to Env-Wm 302.03 or Env-Wm 2108.

(b) The type of permit required shall be as specified in Env-Wm 302.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2102.02 Permit Application Requirements. The applicant for a C/S/T facility permit shall prepare the application in accordance with:

- (a) Env-Wm 314 for a standard permit;
- (b) Env-Wm 313 for an emergency permit;
- (c) Env-Wm 312 for a research and development permit; and
- (d) Env-Wm 311 for a permit-by-notification.

Source. #6619-B, eff 10-29-97

### **PART Env-Wm 2103 SITING REQUIREMENTS**

Env-Wm 2103.01 Applicability.

(a) The siting requirements in this part shall apply to all C/S/T facilities, except:

- (1) Existing permitted facilities;
- (2) Permit-exempt facilities identified in Env-Wm 302.03 or Env-Wm 2108;
- (3) Permit-by-notification facilities having an active life of 90 days or less;
- (4) Research and development permit facilities as provided by Env-Wm 312.02(b); and
- (5) Emergency permit facilities as provided by Env-Wm 313.02(b).

(b) The siting requirements in this part shall apply as the complement of the siting requirements in Env-Wm 2703 for all facilities, Env-Wm 2802 for facilities having an active life longer than 90 days, and Env-Wm 2903 for permit-by-notification facilities.



Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2103.02 Setback Requirements.

(a) A C/S/T facility shall be sited no less than 50 feet from the footprint of any landfill not yet capped, except a lesser distance shall be permitted if the department determines based on information provided in the permit application and in an approved closure plan for the landfill that the lesser distance shall not prohibit compliance with Env-Wm 2703.01.

(b) A C/S/T facility shall be sited no less than 50 feet from any property line.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

**PART Env-Wm 2104 DESIGN REQUIREMENTS**

Env-Wm 2104.01 Applicability.

(a) The design requirements in this part shall apply to all C/S/T facilities, except:

- (1) Permit-exempt facilities;
- (2) Permit-by-notification C/S/T facilities having an active life of 90 days or less;
- (3) Research and development permit facilities as provided by Env-Wm 312.03(b); and
- (4) Emergency permit C/S/T facilities as provided by Env-Wm 313.02(b).

(b) The design requirements in this part shall apply as the complement of the design requirements in Env-Wm 2704 for all facilities, Env-Wm 2803 for facilities having an active life longer than 90 days, Env-Wm 2900 for permit-by-notification facilities and, depending on the type of waste managed, Env-Wm 2600.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2104.02 General Design Requirements. A C/S/T facility shall be designed to operate in conformance with Env-Wm 2105.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2104.03 Design Features and Appurtenances.

(a) The design of a C/S/T facility shall include each of the following features and appurtenances, except as provided in (b) below:

- (1) Waste receiving and inspection area(s);
- (2) Waste sorting area(s), if facility operations involve the sorting of waste;
- (3) Hot load segregation and control area(s);
- (4) Waste storage areas and devices including, as appropriate for the type of waste being stored, transfer containers, bins, concrete bunkers, covered pallets, buildings and storage pads for stockpiles;

- (5) Equipment required to operate the facility in conformance with the solid waste rules including, as applicable to the size and scope of operations, scales, balers, compactors, mechanical sorting devices, fork lifts, trucks and other vehicles;
  - (6) Equipment storage and cleaning areas;
  - (7) A closed drainage system or functionally equivalent operating system to manage the discharge of liquids, if any, from waste handling and storage areas and from equipment cleaning area(s);
  - (8) Lighting;
  - (9) Active or passive ventilation systems for enclosed areas;
  - (10) Fire control devices or systems, including smoke detectors, alarms, fire extinguishers and/or sprinkler systems as appropriate;
  - (11) Shelter for facility operators;
  - (12) Sanitation facilities for facility operators;
  - (13) First aid station for facility operators;
  - (14) Emergency communication for facility operators;
  - (15) Office or other area for maintaining and storing facility records; and
  - (16) Access control devices such as fencing, gates and bars, locked buildings and/or signs.
- (b) A design feature or appurtenance listed in (a) above shall not be required if:
- (1) The applicant or permittee, as applicable, demonstrates in a permit application, application for permit modification or compliance report, as applicable, that:
    - a. The underlying facility operating requirements in Env-Wm 2105, Env-Wm 2705, Env-Wm 2805 and Env-Wm 2600, as applicable, shall be met without the design feature or appurtenance or met through use of an alternative feature, appurtenance or practice; and
    - b. Not incorporating the design feature or appurtenance, as proposed, shall not result in a violation of the universal environmental performance requirements in Env-Wm 2702; and
  - (2) The department provides written approval thereof in the permit or permit modification, specifically including reference to any alternative feature, appurtenance or practice the facility shall employ as a condition of the approval.

Source. #6619-B, eff 10-29-97

Env-Wm 2104.04 Waste Handling and Storage Area Design Requirements.

- (a) A waste handling and storage area shall be designed to collect and contain waste in a manner that is protective of the environment, public health and safety.
- (b) Storage areas for waste being managed as a recyclable material shall be designed to preserve the market value of the material. For instance, waste paper destined for recycling shall be stored indoors, protected from rain and moisture.
- (c) A waste handling and storage area shall be delineated and signed to control and assure proper use of the area by facility users and operators, as appropriate based on the following factors:

- (1) Whether public access to the area will be allowed;
- (2) Whether a full time operator will be present to monitor and control use of the area;
- (3) Whether the area will be used to handle wastes requiring segregation from other waste types;
- (4) Whether the area will be used to handle wastes requiring no public contact in order to protect the environment, public health or safety; and
- (5) Whether the method of assuring the facility receives no excess waste will be based on visually monitoring the extent to which the designated storage area is filled.

(d) A waste handling and storage area shall be designed to manage and store waste in a manner that controls to the greatest extent practicable dust, litter, insects, odors, vectors, spills, the production of leachate, fire hazards including spontaneous combustion, the generation of methane and other hazardous or explosive gases, noise and nuisances.

(e) A waste storage and handling area shall be designed to prohibit public access to any area used for storing or handling a waste that requires special handling to assure protection of the environment, public health and safety.

(f) A C/S/T facility shall be designed to allow year round access by facility operators to all waste storage areas for the purposes of:

- (1) Inspection;
- (2) Monitoring;
- (3) Maintenance; and
- (4) The removal of waste as necessary to comply with Env-Wm 2105.04 and to protect the environment, public health and safety.

(g) Stockpiles shall be designed in conformance with the requirements of Env-Wm 2104.05.

(h) Storage areas for a waste listed in Env-Wm 2600 shall be designed in conformance with the applicable collection, storage and transfer requirements specified in Env-Wm 2600.

(i) Putrescible waste shall not be collected or stored on the ground.

(j) Mixed municipal solid waste, including mixed refuse, shall not be collected or stored on the ground.

Source. #6619-B, eff 10-29-97

Env-Wm 2104.05 Waste Stockpiles.

(a) Stockpiles of waste shall be positioned within a footprint identified on the facility site plan.

(b) If a stockpile will be open to precipitation, the footprint of the stockpile shall be:

- (1) Underlain by an asphalt, concrete or packed soil surface; and
- (2) Graded to prohibit precipitation and surface drainage from surrounding areas from draining through and/or collecting in the stockpile area.

(c) A waste stockpile shall be located, sized and configured in accordance with (d) below and as required by local fire authorities in order to assure that available local fire fighting equipment and resources will be able to effectively respond to a fire at the facility.

(d) At a minimum, a C/S/T facility shall be designed to:

- (1) Provide access to all waste stockpiles for fire control purposes, including the placement and maintenance of fire lanes between and around all stockpiles of combustible waste;
- (2) Limit the height of the stockpiles to a height compatible with local fire fighting equipment response capabilities; and
- (3) Provide a water supply within a distance and in a quantity sufficient for local fire fighting needs.

(e) A stockpile shall be sized and configured to be physically stable against slides, collapse or other conditions that might result in personal injury or destruction of property.

(f) A stockpile shall be covered when required to protect the environment, public health or safety.

(g) A stockpile of a waste listed in Env-Wm 2600 shall conform to the applicable stockpiling requirements specified in Env-Wm 2600, if any.

(h) If a waste exhibits a characteristic which has the potential to cause groundwater or surface water contamination when placed in contact with the ground surface, the waste shall be stockpiled in a manner as to prevent the contamination by means of a leachate collection system or functionally equivalent control system.

(i) If a waste exhibits a characteristic which has the potential to cause air pollution or a respiratory hazard, the waste shall be stockpiled in a manner as to prevent the air pollution and respiratory hazard in conformance with state and federal regulations for the control of air pollution, including RSA 125-C.

Source. #6619-B, eff 10-29-97

## **PART Env-Wm 2105 OPERATING REQUIREMENTS**

### **Env-Wm 2105.01 Applicability.**

(a) The operating requirements in this part shall apply to all C/S/T facilities, except:

- (1) Permit-exempt facilities identified in Env-Wm 302.03 or Env-Wm 2108;
- (2) Permit-by-notification facilities with an active life of 90 days or less;
- (3) Research and development permit facilities as provided by Env-Wm 312.03(b); and
- (4) Emergency permit facilities as provided by Env-Wm 313.02(b).

(b) The operating requirements in this part shall apply as the complement of the operating requirements in Env-Wm 2705 for all facilities, Env-Wm 2805 for all facilities having an active life longer than 90 days, Env-Wm 2904 for permit-by-notification facilities and, depending on the type of waste managed, Env-Wm 2600.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

### **Env-Wm 2105.02 Collection and Storage Requirements.**

(a) A C/S/T facility shall not collect a waste for which it has no provisions for storage and/or for which available storage provisions are not protective of the environment, public health and safety.

(b) A C/S/T facility shall not receive any waste for which it has no arrangements for removal to an authorized facility.

(c) Waste shall be handled and stored only in areas that are designed and operated in conformance with Env-Wm 2104.04 and Env-Wm 2104.05.

(d) Materials destined for recycling shall be collected and stored in a manner as to preserve the market value of the material.

(e) Stockpiles of metal shall be maintained free of plastic, wood and other non-metal debris.

(f) White goods potentially containing polychlorinated biphenols (PCBs) shall be stored separately in an accessible location and in such a manner as to allow qualified personnel to examine each article and remove any PCB-containing components in accordance with applicable regulations.

(g) White goods potentially containing chlorinated fluorocarbons (CFCs) shall be stored in an accessible location and in such a manner as to allow qualified personnel to readily examine each article and extract any CFCs present in accordance with applicable regulations.

(h) If the facility manages a waste identified in Env-Wm 2600, the facility shall collect and store the waste in accordance with the applicable collection, storage and transfer requirements specified in Env-Wm 2600.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2105.03 Waste Transfer Requirements.

(a) All solid waste received by a C/S/T facility shall be actively managed.

(b) All solid waste leaving a C/S/T facility shall be transferred to an authorized facility.

(c) A waste shall not be stored at a C/S/T facility for a period of time which results in a condition adversely affecting the environment, public health or safety, including conditions that attract insects and vectors, generate odors or leachate, or have the potential to cause fire or explosion.

(d) Putrescible wastes shall be transferred from the facility before producing a noticeable odor or within one week of its receipt by the facility, whichever is earlier.

(e) If the facility manages a waste identified in Env-Wm 2600, the facility shall remove the waste in accordance with the applicable collection, storage and transfer requirements specified in Env-Wm 2600.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2105.04 Public Benefit Requirements. As a means for demonstrating that the facility meets the requirements for providing a substantial public benefit as specified in Env-Wm 2705, the operation of a C/S/T facility shall be deemed to provide a substantial public benefit without further demonstration when facility operations satisfy the following operating conditions:

(a) Irrespective of the source of the waste, the total quantity of waste transferred by the facility on an annual basis to New Hampshire landfills and New Hampshire incinerators shall not exceed the total quantity of waste received by the facility from New Hampshire generators, figured in tons;

(b) The facility shall operate, or be part of an integrated system which operates, in a manner which:

- (1) Separates and diverts recyclable materials to authorized facilities for reuse; and
- (2) Avoids disposal of recyclable materials in a lined landfill with a leachate collection system; and
- (c) During each calendar year that the facility receives waste, the permittee shall communicate with the host solid waste management district as specified in Env-Wm 2805.12.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

## **PART Env-Wm 2106 CLOSURE REQUIREMENTS**

### **Env-Wm 2106.01 Applicability.**

- (a) The closure requirements in this part shall apply to all C/S/T facilities, except:
  - (1) Permit-exempt facilities identified in Env-Wm 302.03 or Env-Wm 2108;
  - (2) Permit-by-notification facilities with an active life of 90 days or less;
  - (3) Research and development permit facilities as provided by Env-Wm 312.03(b); and
  - (4) Emergency permit facilities as provided by Env-Wm 313.02(b).

(b) The closure requirements in this part shall apply as the complement of the closure requirements in Env-Wm 2706 for all facilities, Env-Wm 2806 for facilities having an active life longer than 90 days, Env-Wm 2905 for permit-by-notification facilities and, depending on the type of waste managed, Env-Wm 2600.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

**Env-Wm 2106.02 Removal of Processed Recyclable Materials.** To comply with Env-Wm 2706.02(e), all processed recyclable materials shall be removed to an authorized facility and not remain at the closing facility under any claim of a permit exemption pursuant to Env-Wm 302.03.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

## **PART Env-Wm 2107 PERMIT-BY-NOTIFICATION FACILITIES**

**Env-Wm 2107.01 Purpose.** The purpose of the rules in this part is to identify types of C/S/T facilities eligible for a permit-by-notification pursuant to Env-Wm 311.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; amd by #5297, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

**Env-Wm 2107.02 Limited Public Transfer Stations.** A C/S/T facility shall be eligible for a permit-by-notification pursuant to Env-Wm 311, provided that the facility meets each of the following requirements:

- (a) The facility shall be a limited public facility;
- (b) The facility shall comply with the requirements of Env-Wm 2900;
- (c) The facility shall receive the following types of waste only:

- (1) Mixed municipal solid waste comprised principally of mixed refuse;
  - (2) Source separated select recyclable materials;
  - (3) Bulky waste, including white goods, furniture, and stumps;
  - (4) Construction and demolition debris;
  - (5) Tires; and
  - (6) Wood ash from household stoves; and
- (d) The capacity of the facility shall be restricted as follows:
- (1) The facility shall receive no more than 30 tons of waste per day on average:
    - a. Annually, for facilities operating longer than one year; and
    - b. Over the life expectancy of the facility, for facilities operating less than one year;
  - (2) The facility shall store no more than 14 times the maximum quantity of waste the facility shall be authorized in the permit to receive on average daily; and
  - (3) The storage limit specified by (2) above shall not include storage of select recyclable materials, provided that:
    - a. The materials are fully processed as specified by Env-Wm 102.128;
    - b. The materials are actively managed by the facility; and
    - c. Storage of the materials complies with the universal facility requirements in Env-Wm 2700 and, at facilities having an active life of longer than 90 days, the additional facility requirements in Env-Wm 2800.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; amd by #5297, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; amd by #6894-B, eff 12-1-98

Env-Wm 2107.03 Collection Centers for Select Recyclables. Facilities that collect and temporarily store select recyclable materials and transfer said materials to authorized facilities or markets for recycling, shall be eligible for a permit-by-notification pursuant to Env-Wm 311, provided that:

- (a) Select recyclable materials are the only type of solid waste received by the facility;
- (b) The select recyclable materials have been source separated by material type before delivery to the facility;
- (c) The select recyclable materials are actively managed; and
- (d) The facility complies with Env-Wm 2900.

Source. #7225, eff 3-31-00

Env-Wm 2107.04 Scrap Metal Collection and Recycling Centers. Facilities that only collect and temporarily store ferrous and/or non-ferrous scrap metal, and that transfer said scrap metal to authorized facilities or markets for recycling, shall be eligible for a permit-by-notification pursuant to Env-Wm 311, provided that:

- (a) The facility does not receive any:

- (1) Parts of a motor vehicle that contain or have contained fluids or lubricants, excluding lead acid batteries;
  - (2) Waste listed in Env-Wm 2600, including asbestos, ash, contaminated soils and other absorbent media, infectious waste, and tires; and
  - (3) Free draining oil or lubricants, including cutting oils mixed with or coating metal shavings;
- (b) The scrap metal goods, as received by the facility, are not mixed with other types of waste, including municipal solid waste, and construction and demolition debris;
- (c) The permittee identifies whether the scrap metal goods include any of the following substances or devices, and subsequently assures that such substances, if present, are managed in accordance with applicable state and federal rules and regulations, either at the facility or by transfer to another facility that provides such proper management:
- (1) Chlorofluorocarbons (CFC)s;
  - (2) Polychlorinated biphenyls (PCB)s;
  - (3) Mercury-containing switches and other devices;
  - (4) Batteries; and
  - (5) Other regulated substances, materials, and wastes;
- (d) All tanks, drums and other containers received by the facility have been emptied and cleaned of residues in accordance with applicable state and federal rules and regulations;
- (e) The scrap metal processing activities conducted at the facility are limited to sorting, cutting, crushing, baling, and/or smelting, provided the latter is done in units not requiring a permit under Env-A 600;
- (f) The scrap metal is actively managed;
- (g) All residual waste at the facility is:
- (1) Directly attributable to the allowable scrap metal processing activities;
  - (2) Segregated from the recyclable scrap metal and stored in accordance with Env-Wm 2105;
  - (3) Actively managed; and
  - (4) Not accumulated in excess of 30 cubic yards, unless the permittee establishes and maintains an approved financial assurance plan pursuant to Env-Wm 3100 to guarantee the cost of disposing of the residual waste; and
- (h) All other applicable permit-by-notification facility requirements are met as specified in Env-Wm 2900.

Source. #7225, eff 3-31-00

Env-Wm 2107.05 Truck Transfer Stations. Waste collection and transfer operations that are carried out by temporarily parking a truck or other motor vehicle at a site where persons then deliver waste from off-site locations, shall be eligible for a permit-by-notification, valid for an individual operating site only, provided that:

- (a) All waste collected by the facility is placed directly into a motor vehicle that:
- (1) Is registered and insured by the permittee for legal use on public roads;



- (2) Bears a current state inspection sticker;
  - (3) Is labeled in accordance with RSA 149-M:10, II;
  - (4) Displays the required permit;
  - (5) Displays a list of authorized and prohibited wastes, consistent with (d) and (e) below;
  - (6) Is equipped with a spill response kit;
  - (7) Is equipped with an emergency communication system; and
  - (8) Fully encloses the collected waste;
- (b) The land owner has granted the permittee permission to so use the land;
- (c) The site is operated one day per week only, during daylight hours only;
- (d) Subject to (e) below, the facility receives mixed municipal solid waste and/or source separated recyclable materials only;
- (e) The facility does not receive:
- (1) Any waste listed in Env-Wm 2904.03;
  - (2) Ash;
  - (3) Liquid waste; or
  - (4) White goods.
- (f) The waste is not stored at the collection site overnight; and
- (g) All other applicable permit-by-notification facility requirements are met, as specified in Env-Wm 2900.

Source. #7225, eff 3-31-00

#### **PART Env-Wm 2108 PERMIT-EXEMPT FACILITIES**

Env-Wm 2108.01 Purpose. The purpose of the rules in this part is to identify C/S/T facilities which are permit-exempt, pursuant to Env-Wm 302.03(b)(1).

Source. #6619-B, eff 10-29-97

##### **Env-Wm 2108.02 General Conditions for Exemption.**

(a) The C/S/T facilities described in this part shall be exempt from obtaining a permit, subject to the following conditions:

- (1) The facility shall comply with:
  - a. The universal facility requirements in Env-Wm 2700; and
  - b. The waste specific requirements in Env-Wm 2600, as applicable based on the type of waste managed by the facility; and

(2) All waste managed at the facility shall be actively managed.

(b) A permit exemption shall not affect a person's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district or local permits, ordinances, laws or approvals or conditions pertaining to the permit-exempt activities.

Source. #6619-B, eff 10-29-97

Env-Wm 2108.03 Site of Generation C/S/T Facilities. Subject to Env-Wm 2108.02, no permit shall be required to temporarily store a waste at the site of generation pending its transfer to an authorized facility.

Source. #6619-B, eff 10-29-97

Env-Wm 2108.04 C/S/T Facilities for Processed Select Recyclable Materials. Subject to Env-Wm 2108.02, no permit shall be required to collect, store and transfer to markets for the production of certified waste-derived products, processed select recyclable materials.

Source. #6619-B, eff 10-29-97

Env-Wm 2108.05 C/S/T Facilities for Unprocessed Select Recyclable Materials. Subject to Env-Wm 2108.02, no permit shall be required to collect, store and transfer unprocessed select recyclable materials from off-site locations provided that:

- (a) Only source separated recyclable materials shall be collected;
- (b) The recyclable materials shall be collected and stored in containers as specified by (c) below:
- (c) The containers shall be:
  - (1) Covered; and
  - (2) Labeled to identify ownership and authorized use(s);
- (d) No more than 100 cubic yards of recyclable materials shall be stored at the facility; and
- (e) The facility shall be operated by:
  - (1) A person who owns an authorized facility that shall receive the recyclable materials for processing and/or reuse;
  - (2) A commercial waste hauler holding a written agreement from an authorized facility that shall receive the recyclable materials for processing and/or reuse; or
  - (3) A person in responsible charge of a fund drive or similar event sponsored by a community, government or civic non-profit organization.

Source. #6619-B, eff 10-29-97

Env-Wm 2108.06 Waste In-Transit Storage Areas. Subject to Env-Wm 2108.02, no permit shall be required to temporarily store waste while in transit to an authorized facility, provided that:

- (a) The waste shall arrive at the storage facility in covered container(s), to include a waste collection vehicle;
- (b) No waste shall be removed from or added to the container(s) while at the storage facility;
- (c) Not more than 150 cubic yards of waste shall be stored at the storage facility;
- (d) The waste shall be stored no longer than 4 days from date of receipt; and

(e) The waste shall not be stored in a manner or for a time period which has the potential to result in conditions adversely affecting the environment, public health or safety, including conditions that attract insects or vectors, generate odors or leachate, or have the potential to cause fire or explosion.

Source. #6619-B, eff 10-29-97

Env-Wm 2108.07 Roadside Clean-up Staging Areas. Subject to Env-Wm 2108.02, no permit shall be required to temporarily store waste collected from highway rights-of-way pending transfer to an authorized facility provided that:

(a) The facility shall be on property controlled by a state or local highway agency controlling the right-of-way; and

(b) The facility shall be operated by the same state or local highway agency.

Source. #6619-B, eff 10-29-97

## CHAPTER Env-Wm 2200 PROCESSING OR TREATMENT FACILITY REQUIREMENTS

Statutory Authority: RSA 149-M:7

### PART Env-Wm 2201 APPLICABILITY

Env-Wm 2201.01 Applicability. The rules in this chapter shall apply as specified in Env-Wm 101.02(c) to processing and treatment (P/T) facilities, including:

- (a) Composting facilities also subject to Env-Wm 2300; and
- (b) Incinerators also subject to Env-Wm 2400.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

### PART Env-Wm 2202 PERMITTING REQUIREMENTS

Env-Wm 2202.01 Permit Required.

(a) A permit issued pursuant to the solid waste rules shall be required for construction, operation and closure of a P/T facility, unless exempt pursuant to Env-Wm 302.03, Env-Wm 2208, Env-Wm 2308 or Env-Wm 2408.

(b) The type of permit required shall be as specified in Env-Wm 302.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2202.02 Permit Application Requirements. The applicant for a P/T facility permit shall prepare the application in accordance with the following:

- (a) Env-Wm 314 for a standard permit;
- (b) Env-Wm 313 for an emergency permit;
- (c) Env-Wm 312 for a research and development permit; and
- (d) Env-Wm 311 for a permit-by-notification.

Source. #6619-B, eff 10-29-97

### PART Env-Wm 2203 SITING REQUIREMENTS

Env-Wm 2203.01 Applicability.

(a) The siting requirements in this part shall apply to all P/T facilities, except:

- (1) Existing permitted facilities;
- (2) Permit-exempt facilities identified in Env-Wm 302.03, Env-Wm 2208, Env-Wm 2308, or Env-Wm 2408;
- (3) Permit-by-notification facilities having an active life of 90 days or less;

(4) Research and development permit facilities as provided by Env-Wm 312.02(b); and

(5) Emergency permit facilities as provided by Env-Wm 313.02(b).

(b) The siting requirements in this part shall apply as the complement of siting requirements in Env-Wm 2703 for all facilities, Env-Wm 2802 for facilities having an active life longer than 90 days, and Env-Wm 2903 for permit-by-notification facilities.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2203.02 Setback Requirements.

(a) A P/T facility shall be sited no less than 50 feet from the footprint of any landfill not yet capped, except a lesser distance shall be permitted if the department determines based on information provided in the permit application and in an approved closure plan for the landfill that the lesser distance shall not prohibit compliance with Env-Wm 2703.01.

(b) A P/T facility shall be sited no less than 50 feet from any property line.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

**PART Env-Wm 2204 DESIGN REQUIREMENTS**

Env-Wm 2204.01 Applicability.

(a) The design requirements in this part shall apply to all P/T facilities, except:

- (1) Permit-exempt facilities identified in Env-Wm 302.03, Env-Wm 2208, Env-Wm 2308 or Env-Wm 2408;
- (2) Permit-by-notification facilities having an active life of 90 days or less;
- (3) Research and development permit facilities as provided by Env-Wm 312.02(b); and
- (4) Emergency permit facilities as provided by Env-Wm 313.02(b).

(b) The design requirements in this part shall apply as the complement of the design requirements in Env-Wm 2704 for all facilities, Env-Wm 2803 for facilities having an active life longer than 90 days, Env-Wm 2900 for permit-by-notification facilities and, depending on the type of waste managed, Env-Wm 2600.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2204.02 General Design Requirements. A P/T facility shall be designed to operate in conformance with Env-Wm 2205.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2204.03 Design Features and Appurtenances. The design of a P/T facility shall include each of the following features and appurtenances:

(a) The same design features and appurtenances as specified for a C/S/T facility in Env-Wm 2104.03, including storage areas and devices conforming to the requirements in Env-Wm 2104.04 and Env-Wm 2104.05 for all processed or treated waste and related materials stored at the facility;

(b) Design features and appurtenances required to comply with Env-Wm 2300, if facility operations involve composting methods;

(c) Design features and appurtenances required to comply with Env-Wm 2400, if facility operations involve thermal combustion methods;

(d) Design features and appurtenances required to comply with Env-Wm 2508, if facility operations involve landfill reclamation, or other landfilled waste recovery activities; and

(e) Design features and appurtenances required to comply with Env-Wm 2600 as applicable to the type of waste(s) managed at the facility.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2204.04 Handling and Storage Areas for Waste and Materials. Areas used to handle and store each of the following waste groups and materials shall be designed in conformance with the requirements of Env-Wm 2104.04 and Env-Wm 2104.05:

(a) Incoming waste;

(b) Residual and bypass waste resulting from the operation of the facility;

(c) Waste-derived products produced by the facility; and

(d) Materials used by the facility to process or treat waste.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

## **PART Env-Wm 2205 OPERATING REQUIREMENTS**

Env-Wm 2205.01 Applicability.

(a) The operating requirements in this part shall apply to all P/T facilities, except:

(1) Permit-exempt facilities, as identified in Env-Wm 302.03, Env-Wm 2208, Env-Wm 2308 and Env-Wm 2408;

(2) Permit-by-notification facilities having an active life of 90 days or less;

(3) Research and development permit facilities as provided by Env-Wm 312.02(b); and

(4) Emergency permit facilities as provided by Env-Wm 313.02(b).

(b) The operating requirements in this part shall apply as the complement of the operating requirements in Env-Wm 2705 for all facilities, Env-Wm 2805 for facilities with an active life longer than 90

days, Env-Wm 2904 for permit-by-notification facilities and, depending on the type of waste managed, Env-Wm 2600.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2205.02 General Operating Objectives.

(a) Processing or treatment methods shall achieve one or both of the following results:

- (1) Reduce, eliminate or change an undesirable characteristic of a waste and thereby render the waste more suitable for final disposal or further management at permitted facilities; or
- (2) Produce a certified waste-derived product.

(b) Processing and treatment practices, by-products and end-products shall not pose a greater adverse impact to the environment, public health or safety than the impact posed by not changing the characteristics of the waste.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2205.03 Collection and Storage of Incoming Waste.

(a) Incoming waste shall be actively managed.

(b) Incoming waste shall be collected and, pending processing or treatment, shall be stored in conformance with the requirements of Env-Wm 2105.

(c) A waste shall not be stored at a P/T facility without processing or treatment for a period of time which:

- (1) Results in conditions adversely affecting the environment, public health or safety, including conditions that attract insects and vectors, generate odors or leachate, or have the potential to cause fire or explosion; or
- (2) Exceeds the storage life of a waste destined for reuse such that a characteristic of the waste changes in a manner or to a degree that renders the waste non-reusable by the facility.

(d) An incoming waste identified in Env-Wm 2600 shall be collected and stored in accordance with the applicable collection and storage requirements specified in Env-Wm 2600.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2205.04 Management of Bypass and Residual Waste.

(a) Bypass and residual waste shall be stored and transferred in conformance with the requirements of Env-Wm 2105.

(b) Bypass and residual waste shall be managed in accordance with Env-Wm 2805.10.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 2200-4

7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2205.05 Processing and Treatment Requirements.

(a) If the facility processes or treats a waste identified in Env-Wm 2600, the facility shall process or treat the waste in accordance with the applicable requirements in Env-Wm 2600.

(b) If facility operations involve solid waste composting methods, the operating requirements of Env-Wm 2305 shall be met.

(c) If facility operations involve thermal combustion methods, the operating requirements of Env-Wm 2405 shall be met.

(d) If facility operations involve landfill reclamation, the requirements of Env-Wm 2508 shall be met.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2205.06 Management of Processed and Treated Waste.

(a) All processed or treated waste, including waste-derived products, shall be managed in a manner that meets the universal environmental performance requirements in Env-Wm 2702 and all other applicable local, state and federal requirements.

(b) All processed or treated waste shall be stored and transferred in accordance with Env-Wm 2105.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2205.07 Management of Waste-Derived Products.

(a) The waste-derived products produced by a P/T facility shall not be distributed and used except in accordance with certification granted pursuant to Env-Wm 3200.

(b) Quality assurance/ quality control procedures shall be implemented to assure that the quality of all waste-derived products distributed by the facility meet a specification identified in the permit based on certification pursuant to Env-Wm 3200.

(c) A waste-derived product that does not meet a required specification shall be deemed to be an off-specification material, fully subject to regulation by the solid waste rules as a waste.

(d) Off-specification materials shall be managed in the same manner as:

(1) An incoming waste as prescribed by Env-Wm 2205.03, if the waste will be reprocessed or retreated by the facility; or

(2) A residual or bypass waste as prescribed by Env-Wm 2205.04, if the waste will not be reprocessed or retreated by the facility.

(e) When an off-specification material is produced by a P/T facility, the permittee shall:

(1) Determine the likely cause and take appropriate steps to correct and avoid a recurrence of the problem;



(2) If the problem is determined to be operational, make the appropriate processing or treatment adjustments to correct the problem before reprocessing or retreating the off-specification material; and

(3) If the problem is due to characteristics of the waste feedstock that cannot be remedied by operational adjustments, manage the off-specification material and all unprocessed and untreated waste of similar characteristics as bypass waste pursuant to Env-Wm 2205.04.

(f) A P/T facility that produces waste-derived products for land application shall maintain records to identify the locations to which or persons to whom the materials are transferred.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2205.08 Public Benefit. In addition to the provisions for providing a substantial public benefit specified in Env-Wm 2705, the operation of a P/T facility shall be deemed to provide a substantial public benefit when facility operations satisfy the same operating conditions as specified in Env-Wm 2105.04(a) through (c).

Source. #6619-B, eff 10-29-97

## **PART Env-Wm 2206 CLOSURE REQUIREMENTS**

Env-Wm 2206.01 Applicability.

(a) The closure requirements in this part shall apply to all P/T facilities, except:

(1) Permit-exempt facilities identified in Env-Wm 302.03, Env-Wm 2208, Env-Wm 2308 and Env-Wm 2408;

(2) Permit-by-notification facilities having an active life of 90 days or less;

(3) Research and development permit facilities as provided by Env-Wm 312.02(b); and

(4) Emergency permit facilities as provided by Env-Wm 313.02(b).

(b) The closure requirements in this part shall apply as the complement of the closure requirements in Env-Wm 2706 for all facilities, Env-Wm 2806 for facilities having an active life longer than 90 days, Env-Wm 2905 for permit-by-notification facilities and, depending on the type of waste managed, Env-Wm 2600.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2206.02 Removal of Processed Recyclable Materials. To comply with Env-Wm 2706.02(e), all processed recyclable materials shall be removed to an authorized facility and not remain at the closing facility under any claim of a permit exemption pursuant to Env-Wm 302.03.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2206.03 Land Application of Uncertified Waste-Derived Products. If a P/T facility distributes an uncertified waste-derived product, including an off-specification waste-derived product, for land application

in New Hampshire, the facility closure requirements shall include all activities required to properly close the affected land application site(s).

Source. #6619-B, eff 10-29-97

Env-Wm 2206.04 Removal of Residual Waste.

(a) Pursuant to Env-Wm 2706.02(b), all residual waste generated by a P/T facility, whether a solid waste or other, shall be removed from the facility in conformance with applicable law, rules and regulations.

(b) A P/T facility having generated a residual which is a hazardous waste shall comply with all applicable facility closure provisions of the hazardous waste rules, including the hazardous waste generator requirements in Env-Wm 500.

Source. #6619-B, eff 10-29-97

**PART Env-Wm 2207 PERMIT-BY-NOTIFICATION FACILITIES**

Env-Wm 2207.01 Purpose. The purpose of the rules in this part is to identify P/T facilities eligible for a permit-by-notification pursuant to Env-Wm 311.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2207.02 Infectious Waste Treatment Facilities. A treatment facility for infectious waste shall be eligible for a permit-by-notification, provided that:

- (a) The facility shall comply with Env-Wm 2900;
- (b) The facility shall be located at and owned and operated by a health care facility licensed pursuant to RSA 151;
- (c) The facility shall be a limited service area facility permitted to receive waste from the following sources only:
  - (1) The health care facility itself;
  - (2) Affiliated health care facilities; and
  - (3) Households within the community served by the health care facility;
- (d) The facility shall be located inside a building;
- (e) All wastes shall be managed by the facility in accordance with Env-Wm 2604;
- (f) If the facility is an incinerator, the facility shall further comply with the requirements of Env-Wm 2400;
- (g) The facility shall have assured access to an authorized facility for the transfer of all treated waste and residual waste generated by the facility;
- (h) The facility shall have assured access to an authorized facility to which it shall divert bypass wastes; and

(i) If the facility is an incinerator, the resultant ash residue shall be managed in accordance with Env-Wm 2602.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2207.03 Concrete Processing Facilities. A P/T facility which processes waste concrete shall be eligible for a permit-by-notification, provided that the facility meets each of the following requirements:

- (a) The facility shall comply with Env-Wm 2900;
- (b) The facility shall receive only source-separated concrete not contaminated with substances or materials foreign to new concrete, thus excluding concrete treated with lead based paint, concrete from holding tanks for chemicals, sludge or other waste, and concrete from any other source which, by its nature, might be a potential source of contamination;
- (c) The facility shall produce, by crushing, concrete aggregate materials certified for distribution and use pursuant to Env-Wm 3200;
- (d) All unprocessed waste, processed waste and waste-derived products at the facility shall be actively managed in conformance with Env-Wm 2205, regardless of the duration of facility operations;
- (e) All stockpiles of waste and waste-derived products shall be maintained free of plastic, wood and other foreign debris;
- (f) The facility shall not operate longer than 90 days, unless publicly owned; and
- (g) The facility shall commence operations prior to April 1, 1999.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; ss by #6894-B, eff 12-1-98

Env-Wm 2207.04 P/T Facilities Producing Certified Waste-Derived Products. A P/T facility that collects and uses a processed non-select recyclable material to produce a waste-derived product certified pursuant to Env-Wm 3200 shall be eligible for a permit-by-notification pursuant to Env-Wm 311, provided that:

- (a) The facility shall comply with Env-Wm 2900;
- (b) The only waste received by the facility shall be the processed non-select recyclable material;
- (c) The facility shall not be a permit-exempt facility pursuant to Env-Wm 302.03 or Env-Wm 2208, specifically including Env-Wm 2208.06 and Env-Wm 2208.07;
- (d) The facility shall identify and describe in the application for permit-by-notification:
  - (1) The type of processed non-select recyclable material to be used;
  - (2) The delivery and receipt specifications for the processed non-select recyclable material;
  - (3) The type of certified waste-derived product produced by the facility from the recyclable material, including the applicable product specifications pursuant to Env-Wm 3200;
  - (4) The process used to produce the certified waste-derived product, including the quality assurance/quality control procedures employed;

(e) The facility shall operate in conformance with Env-Wm 2205, regardless of the duration of facility operations; and

(f) The total quantity of processed non-select recyclable material stored at the facility as feedstock for the production of the certified waste-derived product shall not exceed 5000 cubic yards.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

#### **PART Env-Wm 2208 PERMIT-EXEMPT FACILITIES**

Env-Wm 2208.01 Purpose. The purpose of the rules in this part is to identify P/T facilities which are permit-exempt, pursuant to Env-Wm 302.03(b)(2).

Source. #6619-B, eff 10-29-97

Env-Wm 2208.02 General Conditions for Exemption.

(a) The P/T facilities described in this part shall be exempt from obtaining a permit, subject to the following conditions:

(1) The facility shall comply with:

a. The universal facility requirements in Env-Wm 2700; and

b. The waste specific requirements in Env-Wm 2600, as applicable based on the type of waste managed by the facility; and

(2) All waste managed at the facility shall be actively managed.

(b) A permit exemption shall not affect a person's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district or local permits, ordinances, laws or approvals or conditions pertaining to the permit-exempt activities.

Source. #6619-B, eff 10-29-97

Env-Wm 2208.03 Generator P/T Facilities. Subject to Env-Wm 2408.02, no permit shall be required to process or treat a waste at its site of generation provided that:

(a) The waste generator shall own and operate the subject P/T facility;

(b) The subject P/T facility shall not receive or process or treat waste generated at any location other than the property where the facility is located;

(c) The subject P/T facility shall not process or treat waste by combustion methods; and

(d) The facility shall not manage infectious waste, except in accordance with Env-Wm 2208.04.

Source. #6619-B, eff 10-29-97; ss by #6894-B, eff 12-1-98

Env-Wm 2208.04 Infectious Waste Bench Top Facilities. Subject to Env-Wm 2208.02, no permit shall be required to treat infectious waste provided that:

(a) The subject treatment facility shall be located at and owned and operated by a health care facility licensed pursuant to RSA 151;

(b) The subject treatment facility shall be a limited service area facility permitted to receive waste from the following sources only:

(1) The health care facility itself;

(2) Affiliated health care facilities; and

(3) Households within the community served by the health care facility;

(c) The waste treatment equipment shall be limited to a bench-top unit with a through-put rate of less than 30 pounds per hour or, if the unit is an autoclave, the chamber capacity shall be less than one cubic yard;

(d) The facility shall be located inside a building;

(e) All infectious waste shall be managed by the facility in accordance with Env-Wm 2604;

(f) The facility shall have assured access to a permitted waste management facility for the transfer of all treated waste and residual waste to be generated by the facility;

(g) The facility shall have assured access to an authorized facility to which it will divert bypass wastes; and

(h) If the facility is an incinerator, the resultant ash residue shall be managed in accordance with Env-Wm 2602;

Source. #6619-B, eff 10-29-97

Env-Wm 2208.05 Burn Piles. Subject to Env-Wm 2208.02, no solid waste facility permit shall be required to open burn piles of brush, slash and untreated wood provided that:

(a) The subject facility shall only burn brush and slash which measures 5 inches in diameter or less and clean, untreated wood with an end cross-sectional area of 24 square inches or less;

(b) The waste stockpile(s) shall conform to the requirements of Env-Wm 2104.05;

(c) Prior to stockpiling any waste, the following approvals shall be obtained for the site:

(1) A permit to kindle the waste, issued by forest fire warden pursuant to RSA 227-L:17,II; and

(2) Written authorization to operate a brush storage and burn site, issued by the department pursuant to Env-A 1001.04(a)(2); and

(d) The ash residue shall be actively managed in accordance with Env-Wm 2602.

Source. #6619-B, eff 10-29-97; ss by #6894-B, eff 12-1-98

Env-Wm 2208.06 P/T Facilities Using Select Processed Recyclable Materials. Subject to Env-Wm 2208.02, no permit shall be required to collect, store, and use a select processed recyclable material to produce any certified waste-derived product.

Source. #6619-B, eff 10-29-97

Env-Wm 2208.07 P/T Facilities Using Non-Select Processed Recyclable Materials. Subject to Env-Wm 2208.02, no permit shall be required to collect, store, and use a non-select processed recyclable material to produce a certified waste-derived product of a type specified in Env-Wm 3203.04, Env-Wm 3203.05 or Env-Wm 3203.07.

Source. #6619-B, eff 10-29-97

Env-Wm 2208.08 Certified Testing Laboratories. Subject to Env-Wm 2208.02, no permit shall be required to collect, store, and test samples of waste at certified laboratories, provided that:

(a) The sample size is no greater than that which is necessary to successfully complete the required test procedure(s); and

(b) All samples and residual sample materials are disposed in accordance with applicable statutes and rules, including but not necessarily limited to:

(1) RSA 149-M and the solid waste rules, if a solid waste and disposed in New Hampshire; and

(2) RSA 147-A and the hazardous waste rules, if a hazardous waste.

Source. #6894-B, eff 12-1-98

## CHAPTER Env-Wm 2300 COMPOSTING FACILITY REQUIREMENTS

Statutory Authority: RSA 149-M:7

### PART Env-Wm 2301 APPLICABILITY

Env-Wm 2301.01 Applicability.

(a) The rules in this chapter shall apply as specified in Env-Wm 101.02(c) to processing and treatment (P/T) facilities that produce compost from solid waste, hereinafter referred to as composting facilities.

(b) The requirements in this chapter shall apply as the complement of the P/T requirements in Env-Wm 2200.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

### PART Env-Wm 2302 PERMITTING REQUIREMENTS

Env-Wm 2302.01 Permit Required.

(a) A permit issued pursuant to the solid waste rules shall be required for construction, operation and closure of a composting facility, unless exempt pursuant to Env-Wm 302.03 or Env-Wm 2308.

(b) The type of permit required shall be as specified in Env-Wm 302.

(c) If the facility also composts septage or sludge as defined by RSA 485-A:2, the facility shall comply with the permitting requirements in Env-Ws 800, as applicable.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2302.02 Permit Application Requirements. The applicant for a composting facility permit shall prepare the application in accordance with:

- (a) Env-Wm 314 for a standard permit;
- (b) Env-Wm 313 for an emergency permit;
- (c) Env-Wm 312 for a research and development permit; and
- (d) Env-Wm 311 for a permit-by-notification.

Source. #6619-B, eff 10-29-97

### PART Env-Wm 2303 SITING REQUIREMENTS

Env-Wm 2303.01 Applicability.

(a) The siting requirements in this part shall apply to all composting facilities, except:

- (1) Existing permitted facilities;
- (2) Permit-exempt facilities identified in Env-Wm 302.03 or Env-Wm 2308;
- (3) Permit-by-notification facilities having an active life of 90 days or less;
- (4) Research and development permit facilities by Env-Wm 312.02(b); and

(5) Emergency permit facilities as provided by Env-Wm 313.02(b).

(b) The siting requirements in this part shall apply as the complement of siting requirements in Env-Wm 2703 for all facilities, Env-Wm 2802 for facilities having an active life longer than 90 days, Env-Wm 2903 for permit-by-notification facilities, Env-Wm 2203 and, for facilities also composting septage or sludge as defined by RSA 485-A:2, Env-Ws 800.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2303.02 Siting Requirements. A composting facility which has the potential to discharge leachate to the ground or generate odors shall comply with the siting standards for landfills, as specified in Env-Wm 2504.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

## **PART Env-Wm 2304 DESIGN REQUIREMENTS**

Env-Wm 2304.01 Applicability.

(a) The design requirements in this part shall apply to all composting facilities, except:

- (1) Permit-exempt facilities identified in Env-Wm 302.03 or Env-Wm 2308;
- (2) Permit-by-notification facilities having an active life of 90 days or less;
- (3) Research and development permit facilities as provided by Env-Wm 312.02(b); and
- (4) Emergency permit facilities as provided by Env-Wm 313.02(b).

(b) The design requirements in this part shall apply as the complement of the design requirements in Env-Wm 2704 for all facilities, Env-Wm 2803 for facilities having an active life longer than 90 days, Env-Wm 2900 for permit-by-notification facilities, Env-Wm 2204 and, for facilities also composting septage or sludge as defined by RSA 485-A:2, Env-Ws 800.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2304.02 General Design Requirements. A composting facility shall be designed to operate in conformance with Env-Wm 2305.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2304.03 Process Design Requirements.

(a) The composting process shall be designed to operate in a manner to meet the pathogen reduction criteria specified in 40 CFR Part 503, such as, but not limited to, one of the following methods:

- (1) Using the windrow composting method, such that:
  - a. The solid waste shall be maintained under aerobic conditions during the compost process;



b. A minimum of 5 turnings shall be required during a period of 15 consecutive days when the temperature of the mixture shall not be less than 55EC (131EF) at 6 to 8 inches below the surface of the pile; and

c. In turning the compost pile, the exterior of the compost pile shall be turned into the interior of the compost pile to assure that all solid waste is exposed to composting conditions;

(2) Using the aerated static pile composting method, the compost pile shall be insulated and a temperature of not less than 55EC (131EF) shall be maintained throughout the compost pile for at least 3 consecutive days; or

(3) Using the enclosed vessel composting method, the mixture shall be maintained at a temperature of not less than 55EC (131EF) throughout the mixture for at least 3 consecutive days.

(b) The composting facility shall have sufficient temperature monitoring to ensure that the pathogen reduction criteria specified in 40 CFR 503 are met, such as the following:

(1) For a windrow or an aerated static pile process, monitoring 6 to 8 inches and 18 to 24 inches below the pile surface;

(2) For an aerated static pile process, monitoring 6 to 8 inches and 18 to 24 inches from the outlet of the aeration pipe; and

(3) For an enclosed vessel system, monitoring 6 to 8 inches and 18 to 24 inches inside the vessel wall and 6 to 8 inches from the aeration piping when operating in the positive aeration mode.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

#### Env-Wm 2304.04 Waste Collection, Storage and Processing Area Design Requirements.

(a) Waste collection, storage and processing areas shall be designed in conformance with Env-Wm 2204.

(b) Areas used for windrows and aerated static piles shall conform to the same design requirements as specified for waste stockpiles in Env-Wm 2104.05.

(c) Facility design shall include provisions to limit the production and off-site dispersal of odors.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5295, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

### **PART Env-Wm 2305 OPERATING REQUIREMENTS**

#### Env-Wm 2305.01 Applicability.

(a) The operating requirements in this part shall apply to all composting facilities, except:

(1) Permit-exempt facilities identified in Env-Wm 302.03 or Env-Wm 2308;

(2) Permit-by-notification facilities having an active life of 90 days or less;

(3) Research and development permit facilities as provided by Env-Wm 312.02(b);

(4) Emergency permit facilities as provided by Env-Wm 313.03(b).

(b) The operating requirements in this part shall apply as the complement of the operating requirements in Env-Wm 2705 for all facilities, Env-Wm 2805 for facilities with an active life longer than 90 days, Env-Wm 2904 for permit-by-notification facilities, Env-Wm 2205 and, for facilities also composting septage or sludge as defined by RSA 485-A:2, Env-Ws 800.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2305.02 General Operating Requirements.

(a) A composting facility shall operate in a manner to meet the pathogen reduction design criteria, as specified in Env-Wm 2304.03(a), and consistently produce either a Class AA or Class A compost as specified by Env-Wm 2305.05.

(b) Temperature shall be monitored as specified in Env-Wm 2304.03(b) and shall be recorded daily.

(c) Operational records, in conformance with Env-Wm 2805.06, shall include:

- (1) The source, description and quantity of all materials received at the facility;
- (2) For facilities producing other than Class AA compost, a sampling log, which shall identify:
  - a. The date and time of sampling;
  - b. The person taking the sample;
  - c. The sampling method and location;
  - d. The lab to which the samples were sent for analysis; and
  - e. The results of the analysis, including quality assurance and quality control provisions;
- (3) A temperature data log, which shall identify:
  - a. The date, time and location of data collection;
  - b. The person collecting the data;
  - c. Calibration data for the temperature device;
  - d. The data collection method; and
  - e. The data;
- (4) Quantity of bypass waste removed prior to composting;
- (5) Quantity of non-compostables and other residual waste removed after composting; and
- (6) Locations to which or persons to whom Class A compost is distributed.

(d) All wastes received by the facility shall be inspected to identify and remove wastes that are not suitable for composting, including:

- (1) Wastes that are not organic in nature; and

(2) Wastes which are prohibited wastes as specified in (e) below and any other waste having the potential to adversely affect the capabilities for producing either a Class AA or Class A compost.

(e) A composting facility shall not receive or compost the following types of waste:

- (1) Asbestos;
- (2) Batteries;
- (3) Explosive or contained gaseous wastes;
- (4) White goods;
- (5) Construction and demolition debris;
- (6) Bulky wastes;
- (7) Recyclable materials other than paper or cardboard products certified for distribution and use as a composting bulking agent pursuant to Env-Wm 3200;
- (8) Household hazardous waste and hazardous waste;
- (9) Liquid wastes;
- (10) Infectious waste or treated infectious waste;
- (11) Animal carcasses or deceased persons;
- (12) Contaminated soils or absorbent media;
- (13) Radioactive materials as defined and regulated by the New Hampshire rules for the control of radiation, He-P 2000 and He-P 4000; and
- (14) Sludge or septage as defined by RSA 485-A:2, except in accordance with a permit issued pursuant to RSA 485-A, as applicable.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5295, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2305.03 Product Quality Assurance/Quality Control Requirements. The following requirements shall apply to facilities producing other than a Class AA compost, except for small food waste composting facilities permitted pursuant to Env-Wm 2307.02 which compost sludge in compliance with Env-Wm 800:

(a) Sampling and analysis of the compost shall be performed in accordance with a quality assurance/quality control plan (QA/QC plan) which:

- (1) Conforms to the minimum requirements specified by (b) below;
- (2) Assures all compost distributed by the facility meets the standards set forth in Env-Wm 2305.05; and
- (3) Is approved by the department as a condition of the permit.

(b) Except as provided by (c) below, sampling and analysis shall occur no less frequently than specified in Table 2300-I:

Table 2300-I

Sampling and Analysis of Compost		
	ANALYSES	
Average Compost Produced (Dry Tons/Day)	Total Solids; Total Volatile Solids; Total Kjeldahl Nitrogen, Ammonia, Nitrate & Nitrite; Total Phosphorous; Total Potassium; pH; Heavy Metals (Cadmium, Total Chromium, Copper, Lead, Mercury, Nickel Zinc)	Total Polychlorinated Biphenyls
Less than 1	Semiannually, with 6 grab samples composited monthly	Annually, with 12 grab samples composited monthly
1 to 10	Monthly, with 4 grab samples composited weekly	Semiannually, with 6 grab samples composited monthly
More than 10	Weekly, with 5 grab samples composited daily	Semiannually, with 6 grab samples composited monthly

(c) By obtaining a type I-B permit modification pursuant to Env-Wm 315, the permittee may reduce the sampling and analysis frequency in (b) above to the frequencies specified in 40 CFR 503 after 3 years of meeting the quality criteria specified in Env-Wm 2305.05;

(d) The results of laboratory analyses shall be reported to the department in accordance with Env-Wm 303 on a quarterly basis for those facilities that produce at least one dry ton of compost per day and on a semi-annual basis for those facilities that produce less than one dry ton of compost per day;

(e) Reporting of the analyses shall include copies of the laboratory reports, with all results reported on a dry weight basis except pH, total solids and total volatile solids, and a narrative of the findings, trends and results;

(f) Analysis of nitrogen series, including total kjeldahl nitrogen, (TKN), ammonia (NH<sub>3</sub>), nitrite (NO<sub>2</sub>), and nitrate (NO<sub>3</sub>), shall be performed on either fresh grab samples or grab samples that are immediately frozen and remain frozen throughout the pre-analysis storage period;

(g) Additional analyses for salts or other pollutants shall be required for the compost if, during the permit application process, the proposed operating procedures and waste through-put characterization indicate that salt or other pollutants are likely to be present in the compost; and

(h) If the compost is produced using septage or sludge, the pathogen testing requirements in 40 CFR 503.32 shall apply;

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

#### Env-Wm 2305.04 Compost Classes.

(a) Class AA compost shall be compost meeting the definition in Env-Wm 102.32.

(b) Class A compost shall be compost meeting the criteria specified in Env-Wm 2305.05.

(c) All other compost shall be designated "off-spec compost."

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5295, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2305.05 Class A Compost. Compost shall be designated as Class A compost if it meets the following criteria:

- (a) The finished compost shall be sufficiently stable that it shall not reheat upon standing to greater than 20EC above ambient temperature;
- (b) The concentration of heavy metals in the finished compost shall not exceed the ceiling concentrations provided in Env-Ws 800 for sludge and sludge mixtures, determined on the basis of representative samples using EPA test procedures in EPA manual SW 846;
- (c) The finished compost shall contain less than one ppm dry weight total polychlorinated biphenyls (PCB);
- (d) The finished compost shall not exceed 10 millimeters (0.39 inch) particle size;
- (e) The finished compost shall be produced from a composting process which:
  - (1) Has a minimum retention time, including active composting and curing, of 90 days; or
  - (2) Achieves 60 percent reduction in organic matter;
- (f) The finished compost shall contain no glass, metal or plastic of size and/or shape that could cause injury;
- (g) The finished compost shall contain no more than 2% non-organic and non-mineral material not including sand and other inorganic soils, by weight; and
- (h) If the finished compost is produced using sludge or septage, the Class A pathogen reduction requirements in 40 CFR 503.32(a) shall apply.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5295, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2305.06 Uses, Class AA Compost. Pursuant to Env-Wm 3203.10(a), Class AA compost shall be certified for distribution and use as compost to be applied to land, without restriction.

Source. #6619-B, eff 10-29-97

Env-Wm 2305.07 Uses, Class A Compost. Pursuant to Env-Wm 3203.10(b) and (c), Class A compost shall be certified for distribution and use as compost to be applied to land, except where crops are grown for direct human consumption. However, Class A compost may be used on land where food chain crops are grown, such as crops that are fed to livestock but not consumed directly by humans.

Source. #6619-B, eff 10-29-97

Env-Wm 2305.08 Uses, Off-Specification Compost.

- (a) Except as provided in (b) below, compost which is not Class AA or Class A shall be:
  - (1) Managed as residual waste in accordance with the facility's residuals management plan; and
  - (2) Not certified in accordance with Env-Wm 3200 for distribution and use as compost to be applied to land.
- (b) Compost that meets all of the standards of a Class A compost, except that its particle size exceeds 10 millimeters (0.39 inch) shall be certified for distribution and use as compost in landfill cover systems, pursuant to Env-Wm 3200.

Source. #6619-B, eff 10-29-97

Env-Wm 2305.09 Compost Identification.

(a) Prior to distribution, all Class A compost shall be clearly marked to:

- (1) Show its classification; and
- (2) Identify the following:
  - a. Type of waste from which it was derived;
  - b. Use restrictions;
  - c. Recommended safe uses;
  - d. Application rates; and
  - e. Maximum allowable contaminant levels as provided in Env-Wm 2305.05 and average contaminant concentrations to date.

(b) The requirements in (a) above shall apply to both compost distributed in bulk and in bag form.

Source. #6619-B, eff 10-29-97

Env-Wm 2305.10 Out-of-State Compost.

(a) Compost produced out-of-state which does not meet the criteria for Class AA or Class A compost or which is produced by a facility that has not complied with the regulatory requirements of the state in which it is located, shall not be certified for distribution and use pursuant to Env-Wm 3200 and therefore shall be deemed a solid waste upon entering New Hampshire and shall be managed as such.

(b) Any compost marketed in New Hampshire that is not marked in accordance with Env-Wm 2305.09 shall be deemed to be a solid waste regardless of its state of origin and shall be managed as such.

Source. #6619-B, eff 10-29-97

**PART Env-Wm 2306 CLOSURE REQUIREMENTS**

Env-Wm 2306.01 Applicability.

(a) The closure requirements in this part shall apply to all composting facilities, except:

- (1) Permit-exempt facilities identified in Env-Wm 302.03 and Env-Wm 2308;
- (2) Permit-by-notification facilities having an active life of 90 days or less;
- (3) Research and development permit facilities as provided by Env-Wm 312.02(b); and
- (4) Emergency permit facilities as provided by Env-Wm 313.02(b).

(b) The closure requirements in this part shall apply as the complement of the closure requirements in Env-Wm 2706 for all facilities, Env-Wm 2806 for facilities having an active life longer than 90 days, Env-Wm 2905 for permit-by-notification facilities, Env-Wm 2206 and, for facilities also composting septage or sludge as defined by RSA 485-A:2, Env-Ws 800.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-

B, eff 10-29-97

Env-Wm 2306.02 Closure Requirements.

(a) To comply with Env-Wm 2706.02(e), all finished compost which is certified for distribution and use shall be removed to places where it shall be used accordingly or removed to an authorized facility.

(b) To comply with Env-Wm 2706.02(b), all unfinished compost shall be removed to an authorized facility to be finished or disposed.

(c) To comply with Env-Wm 2706.02(e), no waste or compost shall remain at the site following closure under a claim of permit exemption pursuant to Env-Wm 302.03.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

**PART Env-Wm 2307 PERMIT-BY-NOTIFICATION FACILITIES**

Env-Wm 2307.01 Purpose. The purpose of the rules in this part is to identify composting facilities eligible for a permit-by-notification pursuant to Env-Wm 311.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5295, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2307.02 Small Food Waste Composting Facilities. A facility which composts food waste shall be eligible for a permit-by-notification pursuant to Env-Wm 311, provided that the facility meets each of the following requirements:

- (a) The facility shall comply with the requirements of Env-Wm 2900;
- (b) The facility shall restrict its operations to composting one or more of the food wastes specified in (e) below, mixed with yard waste, animal manure, farming crop residuals, sludge as defined in RSA 485-A:2,XI-a and/or an approved bulking agent;
- (c) If the facility composts sludge, it shall hold a valid permit issued pursuant to Env-Ws 800;
- (d) The food waste portion of the compost mixture described in (b) above shall be no more than 20% of the entire mixture by volume;
- (e) The facility shall receive and compost the following types of food waste only:
  - (1) Vegetable matter, including produce, and bakery wastes generated by retail food sales outlets;
  - (2) Food preparation waste from commercial and institutional kitchens that is limited to vegetable matter, edible vegetable oils, and bakery wastes; and
  - (3) Vegetable wastes generated as byproducts of food processing operations, including canning and freezing;
- (f) The facility shall not receive or compost:
  - (1) Dairy products and their derivatives;
  - (2) Meat;
  - (3) Meat byproducts; and

- (4) Non-food matter other than the non-food wastes allowed pursuant to (b) above, for instance:
  - a. Plastic and paper bags;
  - b. Plastic and paper wrappings;
  - c. Plastic and paper ties; and
  - d. String;
- (g) No food waste shall be left uncovered at the facility for more than 2 hours;
- (h) Food waste not incorporated into working compost shall be stored at the facility:
  - (1) No longer than 24 hours from receipt; and
  - (2) In a closed container controlling the dispersal of odors and preventing the attraction of birds, insects, rodents and other vectors;
- (i) Access to windrows by compost turning equipment shall be maintained on a year round basis, including during periods of snowmelt, spring thaw, and high precipitation.
- (j) Supplies of water and pumping capabilities shall be available at the facility and used to keep the compost moist.
- (k) If manure is a primary constituent of the compost, sufficient quantities of an approved bulking agent shall be incorporated at all times to:
  - (1) Assure that the compost shall not become waterlogged; and
  - (2) Prevent the development of anaerobic conditions in the compost;
- (l) Compost windrows shall be turned sufficiently often to maintain aerobic conditions at all times throughout each windrow;
- (m) Prior to distribution and use, the compost shall be matured and stabilized to a condition which shall not cause it to re-heat when piled;
- (n) Prior to distribution and use, the finished compost shall be determined and certified by the permittee to meet the specifications of:
  - (1) Class AA compost, if no sludge has been incorporated and the compost otherwise meets the definition of a Class A compost as provided by Env-Wm 102.32; or
  - (2) Class A compost, if sludge has been incorporated and, based on the testing results obtained pursuant to a permit issued for the facility pursuant to RSA 485-A and Env-Ws 800, the compost meets Class A standards.
- (o) Following the cessation of facility operations or any other trigger event for closure as provided in Env-Wm 2706, the permittee shall close the facility in accordance with Env-Wm 2706 and Env-Wm 2306 and Env-Ws 800, as applicable.
- (p) Following closure, the permittee shall certify to the department in writing that the facility has been closed as required in (o) above, specifically including certification that the following conditions are met:
  - (1) All waste, including bypass and residual waste and unfinished compost, has been removed from the facility to an authorized facility for disposal or further management;



- (2) All finished compost has been removed from the facility to locations that use or distribute the finished compost or disposed at an authorized facility; and
- (3) The site has been cleaned pursuant to Env-Wm 2706.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5295, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

#### **PART Env-Wm 2308 PERMIT-EXEMPT FACILITIES**

Env-Wm 2308.01 Purpose. The purpose of the rules in this part is to identify composting facilities which are permit-exempt, pursuant to Env-Wm 302.03(b)(2).

Source. #6619-B, eff 10-29-97

##### **Env-Wm 2308.02 General Conditions for Exemption.**

(a) The composting facilities described in this part shall be exempt from obtaining a permit, subject to the following conditions:

- (1) The facility shall comply with the universal facility requirements in Env-Wm 2700; and
- (2) All waste managed at the facility shall be actively managed.

(b) A permit exemption shall not affect a person's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district or local permits, ordinances, laws or approvals or conditions pertaining to the permit-exempt activities.

Source. #6619-B, eff 10-29-97

##### **Env-Wm 2308.03 Generator Composting Facilities.**

(a) Subject to Env-Wm 2308.02, no permit shall be required to compost the following wastes and materials at the waste generation site:

- (1) Yard waste and/or farming crop residuals;
- (2) Food waste limited to vegetable matter, edible vegetable oils and bakery waste;
- (3) Animal manure; and/or
- (4) An approved bulking agent.

(b) The facilities described in (a) above shall include:

- (1) Composting operations at a private home for food waste generated by the home kitchen;
- (2) Composting operations at schools and other institutions, for food waste generated by cafeteria(s) at the institution; and
- (3) Farm based composting operations for food waste generated by the farm and farming crop residuals.

Source. #6619-B, eff 10-29-97

## **CHAPTER Env-Wm 2400 INCINERATION FACILITY REQUIREMENTS**

Statutory Authority: RSA 149-M:7

### **PART Env-Wm 2401 APPLICABILITY**

Env-Wm 2401.01 Applicability.

(a) The rules in this chapter shall apply as specified in Env-Wm 101.02(c) to processing and treatment (P/T) facilities that incinerate solid waste, including waste derived fuel not certified for distribution and use as fuel pursuant to Env-Wm 3200.

(b) The requirements in this chapter shall apply as the complement of the P/T facility requirements in Env-Wm 2200.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

### **PART Env-Wm 2402 INCINERATOR PERMIT APPLICATION REQUIREMENTS**

Env-Wm 2402.01 Permit Required.

(a) A permit issued pursuant to the solid waste rules shall be required for construction, operation and closure of an incinerator, unless exempt pursuant to Env-Wm 302.03 or Env-Wm 2408.

(b) The type of permit required shall be as specified in Env-Wm 302.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5297, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2402.02 Permit Application Requirements. Incinerator permit applications shall conform to the permit application requirements in:

- (a) Env-Wm 314 for a standard permit;
- (b) Env-Wm 313 for an emergency permit;
- (c) Env-Wm 312 for a research and development permit; and
- (d) Env-Wm 311 for a permit-by-notification.

Source. #6619-B, eff 10-29-97

### **PART Env-Wm 2403 SITING REQUIREMENTS**

Env-Wm 2403.01 Siting Requirements. Incinerators shall be sited in conformance with Env-Wm 2703, Env-Wm 2802, Env-Wm 2903 and Env-Wm 2203, as applicable.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

### **PART Env-Wm 2404 DESIGN REQUIREMENTS**

Env-Wm 2404.01 Applicability.

(a) The design requirements in this part shall apply to all incinerators, except:

- (1) Permit-exempt incinerators identified in Env-Wm 302.03 or Env-Wm 2408;
- (2) Permit-by-notification incinerators having an active life of 90 days or less;
- (3) Research and development incinerators as provided by Env-Wm 312.02(b); and
- (4) Emergency permit incinerators as provided by Env-Wm 313.02(b).

(b) The design requirements in this part shall apply as the complement of the design requirements in Env-Wm 2704 for all facilities, Env-Wm 2803 for facilities having an active life longer than 90 days, Env-Wm 2900 for permit-by-notification facilities, Env-Wm 2204 and, depending on the type of waste managed, Env-Wm 2600.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2404.02 General Design Requirements. An incinerator shall be designed to operate in conformance with Env-Wm 2405.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2404.03 Combustion Unit. The design of the combustion unit shall comply with state rules and federal regulations for controlling air pollution, including RSA 125-C.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

**PART Env-Wm 2405 OPERATING REQUIREMENTS**

Env-Wm 2405.01 Applicability.

(a) The operating requirements in this part shall apply to all incinerators, except:

- (1) Permit-exempt incinerators identified in Env-Wm 302.03 or Env-Wm 2408;
- (2) Permit-by-notification incinerators, having an active life of 90 days or less;
- (3) Research and development permit incinerators, as provided by Env-Wm 313.02(b); and
- (4) Emergency permit incinerators, as provided by Env-Wm 313.02(b).

(b) The operating requirements in this part shall apply as the complement of the operating requirements in Env-Wm 2705 for all facilities, Env-Wm 2805 for facilities having an active life longer than 90 days, Env-Wm 2904 for permit-by-notification facilities, Env-Wm 2205 and, depending on the type of waste managed, Env-Wm 2600.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2405.02 General Operating Requirements. The operation of an incinerator shall comply with state rules and federal regulations for controlling air pollution, including RSA 125-C.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2405.03 Additional Signs and Postings.

(a) The permittee shall post signs, at a conspicuous place or places adjacent to the incinerator, stating the following information based on the provisions of the facility permit:

- (1) Authorized wastes;
- (2) Prohibited wastes;
- (3) Ash residue and waste storage limitations; and
- (4) Instructions for ash residue storage and disposal.

(b) Emergency procedures, including the telephone number for emergency assistance, shall be posted at a conspicuous place or places adjacent to the incinerator.

(c) A copy of the operating instructions manual for the combustion unit shall be maintained in close proximity to the incinerator so as to be readily available for reference.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2405.04 Combustion Requirements. An incinerator shall combust waste in a manner and to a degree that results in an ash residue that contains little to no combustible materials.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2405.05 Ash Residue Management. Ash residue shall be managed in accordance with Env-Wm 2602.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

## **PART Env-Wm 2406 CLOSURE REQUIREMENTS**

Env-Wm 2406.01 Closure Requirements. Incinerators shall be closed in accordance with:

- (a) Env-Wm 2706;
- (b) Env-Wm 2806;

(c) Env-Wm 2206; and

(d) Env-Wm 2600, as applicable based on type of waste.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

#### **PART Env-Wm 2407 PERMIT-BY-NOTIFICATION INCINERATORS**

Env-Wm 2407.01 Purpose. The purpose of the rules in this part is to identify incinerators eligible for a permit-by-notification pursuant to Env-Wm 311.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2407.02 Infectious Waste Incinerator. An infectious waste incinerator that meets the requirements in Env-Wm 2207.02 shall be eligible for a permit-by-notification.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

#### **PART Env-Wm 2408 PERMIT-EXEMPT INCINERATORS**

Env-Wm 2408.01 Purpose. The purpose of the rules in this part is to identify incinerators which are permit-exempt, pursuant to Env-Wm 302.03(b)(2).

Source. #6619-B, eff 10-29-97

Env-Wm 2408.02 General Conditions for Exemption.

(a) The incinerators described in this part shall be exempt from obtaining a permit, subject to the following conditions:

(1) The facility shall comply with:

a. The universal facility requirements in Env-Wm 2700; and

b. The waste specific requirements in Env-Wm 2600, as applicable based on the type of waste managed by the facility; and

(2) All waste managed at the facility shall be actively managed.

(b) A permit exemption shall not affect a person's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district or local permits, ordinances, laws or approvals or conditions pertaining to the permit-exempt activities.

Source. #6619-B, eff 10-29-97

Env-Wm 2408.03 Animal Crematoriums. Subject to Env-Wm 2408.02, no permit shall be required for an animal crematorium, provided that:

(a) The facility shall be used only for the incineration of animal carcasses not classified as infectious waste under Env-Wm 2604.01(a)(5);

- (b) The combustion unit(s) shall have an operational capacity of less than 200 pounds per hour; and
- (c) The facility shall not incinerate more than 1,000 pounds per week.

Source. #6619-B, eff 10-29-97

## CHAPTER Env-Wm 2500 LANDFILL REQUIREMENTS

Statutory Authority: RSA 149-M:7

### PART Env-Wm 2501 APPLICABILITY

Env-Wm 2501.01 Applicability. The rules in this chapter shall apply, as specified in Env-Wm 101.02(c), to landfills.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

### PART Env-Wm 2502 PERMITTING REQUIREMENTS

Env-Wm 2502.01 Permit Required.

(a) A permit issued pursuant to the solid waste rules shall be required for construction, operation and closure of a landfill, unless exempt pursuant to Env-Wm 302.

(b) The type of permit required shall be as specified in Env-Wm 302.

Source. (See Revision note at PART Heading Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2502.02 Permit Application Requirements. The applicant for a landfill permit shall prepare the application in accordance with:

(a) Env-Wm 314 for a standard permit;

(b) Env-Wm 313 for an emergency permit;

(c) Env-Wm 312 for a research and development permit; and

(d) Env-Wm 311 for a permit-by-notification.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

### PART Env-Wm 2503 FEDERAL REQUIREMENTS FOR MSW LANDFILLS

Env-Wm 2503.01 Purpose. The purpose of the rules in this part is to identify facilities subject to the federal requirements for municipal solid waste landfills (MSWLFs) in 40 CFR 258.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2503.02 Applicability.

(a) The rules in Env-Wm 2503.03 shall identify the circumstances under which a MSWLF shall be subject to the requirements in 40 CFR 258.

(b) The rules in Env-Wm 2503.04 shall identify the criteria in 40 CFR 258 and the solid waste rules which apply to MSWLFs which are subject to 40 CFR 258.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6372, eff 11-16-96; ss by #6619-B, eff 10-29-97

Env-Wm 2503.03 Applicability of Federal Law. In order to determine whether a municipal solid waste landfill (MSWLF) is subject to the requirements of 40 CFR 258, the following provisions and definitions from 40 CFR 258.1 and 40 CFR 258.2 shall apply:

(a) MSWLFs that stopped receiving waste on or before October 9, 1991 shall be exempt from the requirements of 40 CFR 258;

(b) MSWLFs that received 100 tons per day of waste or less after October 9, 1991 and stopped receiving waste prior to April 9, 1994 shall be exempt from the requirements of 40 CFR 258 except for the final cover requirements specified in 40 CFR 258.60(a) provided the final cover was fully installed by October 9, 1994. If the final cover was not fully installed by October 9, 1994, the MSWLFs shall be subject to all requirements of 40 CFR 258;

(c) MSWLFs that received 100 tons per day of waste or less on or after April 9, 1994 shall be subject to all requirements of 40 CFR 258;

(d) MSWLFs that received greater than 100 tons per day of waste after October 9, 1991 and stopped receiving waste prior to October 9, 1993 shall be exempt from the requirements of 40 CFR 258 except for the final cover requirements specified in 40 CFR 258.60(a) provided the final cover was fully installed by October 9, 1994. If the final cover was not fully installed by October 9, 1994, the MSWLFs shall be subject to all requirements of 40 CFR 258;

(e) MSWLFs that received greater than 100 tons per day of waste on or after October 9, 1993 shall be subject to all requirements of 40 CFR 258; and

(f) In determining the scope and applicability of the federal requirements, the definitions specified in 40 CFR 258.2 for the following terms shall be used:

- (1) Active life;
- (2) Active portion;
- (3) Director;
- (4) Household waste;
- (5) Industrial solid waste;
- (6) Owner;
- (7) Saturated zone;
- (8) Sludge;
- (9) Solid waste;
- (10) State;
- (11) State director; and
- (12) Waste management unit boundary.

Source. #6372, eff 11-16-96; ss by #6619-B, eff 10-29-97

Env-Wm 2503.04 Standards Specific to MSWLFs Subject to 40 CFR 258.



(a) Any municipal solid waste landfill (MSWLFs) that is identified by Env-Wm 2503.03 as being subject to 40 CFR 258 shall comply with the following provisions of 40 CFR 258 in addition to the requirements in Env-Wm 2600, Env-Wm 2700, Env-Wm 2800, Env-Wm 3100, Env-Wm 3300 and this chapter:

- (1) Location restrictions specified in 40 CFR 258.10 through 258.16;
- (2) Operating criteria specified in 40 CFR 258.20, 258.21, 258.23, 258.24, 258.28 and 258.29;
- (3) Design criteria specified in 40 CFR 258.40;
- (4) Groundwater monitoring and corrective action requirements specified in 40 CFR 258.53 through 258.58;
- (5) Closure and post-closure requirements specified in 40 CFR 258.60(i) and 258.61; and
- (6) Financial assurance mechanisms specified in 40 CFR 258, subpart G.

(b) The provisions specified in (a)(1) through (a)(6) above shall not be waived under Env-Wm 202.

Source. #6372, eff 11-16-96; ss by #6619-B, eff 10-29-97

## **PART Env-Wm 2504 SITING REQUIREMENTS**

Env-Wm 2504.01 Applicability.

(a) The siting requirements in this part shall apply to all landfills except:

- (1) Existing permitted facilities and existing facilities scheduled to close;
- (2) Permit-exempt facilities identified in Env-Wm 302.03 or Env-Wm 2510;
- (3) Permit-by-notification facilities having an active life of 90 days or less;
- (4) Research and development permit facilities, as provided by Env-Wm 312.02(b); and
- (5) Emergency permit facilities, as provided by Env-Wm 313.02(b).

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; ss by #6894-B, eff 12-1-98

Env-Wm 2504.02 Groundwater Protection Standards.

(a) A landfill shall not be sited within the well head protection area of a community or non-community, non-transient water supply well system as delineated in the department's source water protection area inventory.

(b) A landfill and all associated leachate storage units shall be located only in areas where groundwater monitoring for release detection, characterization and remediation can be conducted prior to a release having an adverse affect on a water supply.

(c) Identification of the areas cited in (b) above shall be based upon a hydrogeologic investigation which provides all site specific information required to model the pre-construction and post-construction groundwater and surface water regimen.

(d) The base of the bottom liner system, or the base of the facility if unlined, shall be a minimum of 6 feet above the seasonal high groundwater table and the confirmed bedrock surface.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2504.03 Surface Water Protection Standards.

(a) The location of a landfill relative to surface water resources shall comply with the requirements of RSA 485-A.

(b) A landfill and all associated leachate storage units shall be located only in areas where potential adverse effects to surface water quality, due to erosion, sedimentation, siltation, flood, or discharge of contaminants, can be prevented or minimized and mitigated by facility design.

(c) Identification of the areas cited in (b) above shall be based on a thorough hydrogeological investigation to demonstrate the following:

(1) Compliance with Env-Wm 2504.02;

(2) That engineering design measures can be incorporated to control erosion, sedimentation and siltation; and

(3) The potential release of contaminants to surface waters can be prevented, attenuated or otherwise remediated.

(d) The footprint of a landfill shall not be located within 200 feet of any perennial surface water body, measured from the closest bank of a stream and closest shore of a lake, as applicable.

(e) The footprint of a landfill shall not be located within 200 feet upgradient and 100 feet downgradient of a wetland within the jurisdiction of RSA 482-A, excluding any drainage appurtenances related to the site, that is not allowed to be filled under the authority of RSA 482-A.

(f) The footprint of a landfill shall not be located within 1,000 feet upgradient of a surface water reservoir or intake used for a community drinking water supply.

(g) The footprint of a landfill shall not be located within the 100-year flood hazard zone.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2504.04 Set-back Requirements.

(a) There shall be a minimum 100-foot buffer strip between the property line and the footprint of the landfill.

(b) There shall be a minimum 300-foot buffer between the footprint of the landfill and Class I and Class II roads and a minimum 100-foot buffer between the footprint of the landfill and Class III through Class VI roads.

(c) There shall be a minimum distance of 500 feet maintained between the footprint of the landfill and all existing residences not owned by the applicant.

(d) The footprint of a landfill receiving putrescible wastes shall not be located within 10,000 feet of any airport runway used by turbojet aircraft or 5,000 feet of any airport runway used by only piston-type aircraft.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2504.05 Geologic Siting Limitations.

(a) The footprint of a landfill and associated leachate storage units shall be a minimum of 200 feet from faults that have had displacement in Holocene time, meaning from Pleistocene to present or within the last 11,000 years.

(b) No landfill footprint or associated leachate storage units shall overlie an area underlain by karstified dolomite or limestone or an area susceptible to mass movements of earth material such as landslides, rockfalls, mudslides, slumps, earth flows, or subsidence.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2504.06 Other Siting Limitations. A new landfill shall be sited only on property which is owned by the permittee.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

**PART Env-Wm 2505 DESIGN AND CONSTRUCTION REQUIREMENTS**

Env-Wm 2505.01 Applicability.

(a) The design requirements in this part shall apply to all landfills, except:

- (1) Portions of existing permitted facilities which are constructed or approved for construction as of October 29, 1997;
- (2) Permit-exempt facilities identified in Env-Wm 302.03 or Env-Wm 2510;
- (3) Permit-by-notification facilities having an active life of 90 days or less;
- (4) Research and development permit facilities, as provided by Env-Wm 312.02(b); and
- (5) Emergency permit facilities, as provided by Env-Wm 313.02(b).

(b) The design requirements in this part shall apply as the complement of the design requirements in Env-Wm 2704 for all facilities, Env-Wm 2803 for facilities having an active life longer the 90 days, Env-Wm 2900 for permit-by-notification facilities and, depending on the type of waste managed, Env-Wm 2600.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2505.02 General Landfill Design Requirements.

(a) A lined landfill shall incorporate the following design features:

- (1) A foundation pursuant to Env-Wm 2505.03;
- (2) A liner system pursuant to Env-Wm 2505.05;
- (3) A leak detection and location system pursuant to Env-Wm 2505.07;

- (4) A groundwater and surface water monitoring system, if required pursuant to RSA 485-A and Env-Ws 410;
  - (5) A stormwater management system pursuant to Env-Wm 2505.09;
  - (6) A decomposition gas control system pursuant to Env-Wm 2506.07;
  - (7) A final capping system pursuant to Env-Wm 2505.10; and
  - (8) Facility structures as necessary to house, maintain and repair equipment and supplies, and to accommodate the needs of facility personnel relative to shelter, sanitation and communication.
- (b) An unlined landfill shall incorporate the following design features:
- (1) A groundwater and surface water monitoring system, if required by RSA 485-A;
  - (2) A stormwater management system pursuant to Env-Wm 2505.09;
  - (3) A final capping system pursuant to Env-Wm 2505.10; and
  - (4) Facility structures as necessary to house, maintain and repair equipment and supplies, and to accommodate the needs of facility personnel relative to shelter, sanitation and communication.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2505.03 Landfill Subgrade and Base Grade Standards.

- (a) The landfill subgrade shall be graded and prepared for landfill construction.
- (b) Subgrade materials shall have a saturated hydraulic conductivity of  $1 \times 10^{-4}$  cm/sec or less.
- (c) The subgrade shall have sufficient structural integrity to support the facility under all anticipated loading conditions during all phases of construction, operation and closure.
- (d) Engineering measures shall be incorporated in the design when necessary to ensure stability of the landfill during all phases of construction, operation and closure.
- (e) A stability analysis shall be submitted with the application to demonstrate compliance with requirements in (c) above and to support the facility design, including measures incorporated pursuant to (d) above, if any.
- (f) For geomembrane lined facilities, the subgrade below the liner shall:
  - (1) Be prepared to a depth which provides a uniform and consistent bedding layer which shall be stable under loading;
  - (2) Contain no stones greater than one inch in diameter, and no sharp or angular materials; and
  - (3) Be compacted to 95% optimum density as determined by ASTM D698 (Standard Proctor) or ASTM D1557 (Modified Proctor).
- (g) Facility base grades shall be sloped to facilitate compliance with Env-Wm 2505.06 and Env-Wm 2506.05.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2505.04 Liner Material and Construction Requirements.

(a) Soil liners shall meet or exceed the following specifications:

- (1) The liner shall be constructed of no less than 3 feet of a recompacted natural soil with uniform and consistent characteristics, or a uniform and consistent natural soil blended with an admixture, such as bentonite;
- (2) Recomposition shall occur in lifts not to exceed the depth demonstrated in a test pad necessary to achieve a saturated hydraulic conductivity no greater than  $1 \times 10^{-7}$  cm/sec;
- (3) The recompacted lifts shall be constructed in a step-wise manner to limit the potential for vertical channeling;
- (4) Recomposed saturated hydraulic conductivity shall equal  $1 \times 10^{-7}$  cm/sec or less; and
- (5) The liner shall be protected from damage due to frost, desiccation and differential movement.

(b) Geomembrane liners shall meet or exceed the following specifications:

- (1) The liner material shall have a minimum thickness of 60 mils;
- (2) The liner material shall be chemically compatible with anticipated waste and leachate characteristics; and
- (3) Seaming methods which involve the use of solvents shall incorporate quality assurance/quality control procedures pursuant to Env-Wm 2505.16 to assure protection of groundwater and surface water resources.

(c) Composite liners shall consist of:

- (1) A geomembrane liner, as specified by (b) above; and
- (2) A soil component as specified by (a) above or a manufactured geosynthetic clay liner.

(d) All liners shall be constructed in accordance with a quality assurance/quality control plan established pursuant to Env-Wm 2505.16.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2505.05 Liner System Design Standards.

(a) A liner system shall be comprised of the following components:

- (1) A liner which meets the requirements of Env-Wm 2505.04;
- (2) A leachate collection and removal system which meets the requirements of Env-Wm 2505.06; and
- (3) A leak detection and location system, if required by Env-Wm 2505.07.

(b) A landfill shall incorporate one or more liner systems, as specified in Env-Wm 2505.12 through Env-Wm 2505.15, based on the type of wastes to be received by the facility.

(c) Multi-liner systems shall be designed to place one liner system over another liner system.

- (d) A single-lined facility shall incorporate one liner system as specified in Env-Wm 2505.05(a).
- (e) A double-lined facility shall incorporate 2 liner systems as specified in Env-Wm 2505.05(a), separated by drainage material as specified in (f) below.
- (f) Except as provided by (g) below, each liner within a liner system shall be covered in the base area by an overlying layer of select granular soil materials 12 inches in depth or more as required to:
  - (1) Sustain anticipated loading conditions;
  - (2) Protect the underlying liners from puncture, including simultaneous puncture of multi-liner systems;
  - (3) Assist in the transmission of leachate in accordance with Env-Wm 2505.06 and Env-Wm 2506.05; and
  - (4) At multi-liner facilities, limit the potential for hydraulic head to be concurrently experienced on an underlying liner in the event a leak develops in an overlying liner.
- (g) For multi-liner systems, geosynthetics may be used to separate the liners in areas of extended side slopes where placement and maintenance of granular materials is not possible or practical for reasons of stability.
- (h) The design of all liner systems incorporating geomembrane materials shall include calculations to demonstrate stability.
- (i) All liner systems shall be constructed by controlled methods, in accordance with a quality assurance/quality control plan established pursuant to Env-Wm 2505.16.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2505.06 Leachate Collection and Removal System Design Standards.

- (a) Leachate collection and removal systems shall be required at all lined landfills, to collect and remove leachate contained within each liner system in conformance with Env-Wm 2506.05.
- (b) Leachate collection and removal systems shall be designed to be hydraulically separate from the stormwater management system(s).
- (c) Leachate collection and removal systems shall be designed to function effectively during freezing and frozen-ground conditions.
- (d) Leachate collection and removal systems shall be designed to function effectively during both the active life of the landfill and the landfill closure and post-closure period. Therefore, for the purpose of sizing the system(s) components and specifying materials with an appropriate design life expectancy, the leachate generation rates and volumes for the above specified time period shall be considered.
- (e) Leachate collection and removal systems shall be designed to maintain one foot or less of hydraulic head on all portions of the liner, excluding the leachate collection sumps if any, during routine operations including the 25-year storm event with a duration equivalent to the time of concentration of the drainage area of the component being sized.
- (f) Leachate collection and removal systems shall be designed to manage the quantity of leachate to be generated by the 100-year storm event with a duration equivalent to the time of concentration of the drainage area which contributes to leachate generation, in a manner which shall:

(1) Not allow a hydraulic head greater than one-foot to exist on any portion of the liner system, excluding the leachate collection sumps, if any, for longer than 7 days;

(2) Provide storage and removal capabilities determined in accordance with (g) below if for a facility not directly connected to a permitted wastewater treatment facility or in accordance with (h) below if for a facility directly connected to a permitted wastewater treatment facility; and

(3) Not rely on leachate recirculation as a factor in determining the required storage and removal capabilities, even if leachate recirculation will be a routine operating procedure at the facility.

(g) Leachate collection and removal systems which are not directly connected to a permitted wastewater treatment facility shall provide capacity for storing leachate as follows:

(1) At least 15% of the 100-year storm storage volume, as specified by (f) above, shall be provided in primary storage units located outside the waste deposition area or in sumps located within the waste deposition area;

(2) The number of walls or liners in the primary storage units shall be no less than the number of liners within the landfill; and

(3) Containment for the volume of leachate produced by the 100-year storm event which exceeds the volume of the primary storage units shall be provided:

a. Within contingency storage units located outside the waste deposition area which shall be leak tight, and accessible for leak testing, inspection and repair, but not necessarily multi-walled; and/or

b. On the uppermost liner within a waste deposition area provided that:

1. Storage on the liner in excess of one-foot of hydraulic head shall be limited to a period of 7 days or less, based on procedures identified in the leachate management plan provided pursuant to Env-Wm 2506.05, including the pumping and removal rates required to reduce the hydraulic head within 7 days and the specifications for the equipment required to do so; and

2. Systems relying on valve closure to initiate storage on the liner shall be fully equipped with automated notification alarms to minimize the potential for overflow, in accordance with (p) below.

(h) Leachate collection and removal systems which are directly connected to a permitted wastewater treatment facility shall be designed as follows:

(1) The system shall provide leachate storage units outside the waste deposition area as necessary to meet the requirements of (f) above based on the allowable discharge rate of leachate to the wastewater treatment facility, pump capabilities and other such factors which limit the rate at which leachate removal can occur;

(2) Compatible pumping and removal rates shall be provided as a component of the facility's leachate management plan, pursuant to Env-Wm 2506.05; and

(3) Systems relying on valve closure to initiate storage shall be fully equipped with automated notification alarms to minimize the potential for overflow, in accordance with (p) below.

(i) The various components of a leachate collection and removal system shall:

(1) Be chemically compatible with the anticipated waste and leachate characteristics;

- (2) Provide access for monitoring flow, monitoring hydraulic head in the uppermost liner system, controlling flow and cleaning;
  - (3) Maintain integrity under both dynamic and static loading events for all phases of landfill development;
  - (4) Specify geotextiles based on calculations which incorporate the leachate generation and flow rates anticipated to occur during the operating and post-closure phases of the landfill; and
  - (5) Be designed to prevent the passage of fine particulates into the leachate collection and piping systems as well as mitigate against or eliminate the effects of any material capable of reducing the hydraulic flow capacity of the leachate collection and piping systems.
- (j) Pipes which require solvent welding shall not be used.
- (k) The drainage blanket shall:
- (1) Be designed to meet the requirements of (e) and (f) above;
  - (2) Contain no more than 15% calcium carbonate to prevent deposition and clogging and otherwise be of a quality that shall not result in clogging of the leachate collection and removal system(s); and
  - (3) Be constructed in accordance with a quality assurance/quality control plan established pursuant to Env-Wm 2505.16.
- (l) A facility shall not be designed to rely solely on managing leachate by recirculation methods.
- (m) Recirculation of leachate, if practiced, shall proceed only in accordance with the provisions of a leachate recirculation plan approved by the department as part of the facility's operating plan pursuant to Env-Wm 2805 based on the criteria in Env-Wm 2506.05.
- (n) Leachate collection and removal systems which depend on routine pumping, rather than gravity operating methods, shall only be used at facilities where a full-time operator shall be present during normal operating hours and where auxiliary power and pumping equipment shall be available.
- (o) Pump stations located outside the waste deposition area shall be designed to provide the following:
- (1) Backup pumping capacity;
  - (2) Backup power supply;
  - (3) High-water alarm; and
  - (4) Efficient operation during both average and peak flows.
- (p) Tanks, sumps or other storage units associated with leachate collection and removal systems, shall be equipped with high-water alarms.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2505.07 Leak Detection and Location System Design Standards.

- (a) A leak detection and location system designed to detect and isolate the location of leaks through a liner shall be required beneath each liner installed at a lined landfill, unless the potential for leakage through the bottom most liner is reduced by one or both of the following design features:



(1) Geonet is incorporated throughout the leachate collection and removal system for the bottom most liner, in order to rapidly convey leachate off the liner and thereby limit the potential for hydraulic head to develop on the liner; or

(2) The bottom most liner is a composite liner which meets the requirements of Env-Wm 2505.04(c).

(b) Leak detection and location systems shall be designed to:

(1) Convey liquids to an observation point for detection, based on a maximum time of concentration equal to 24-hours under saturated hydraulic conditions; and

(2) Provide a means for isolating the potential location of a leak.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2505.08 Groundwater and Surface Water Monitoring System Design Standards.

(a) At least one groundwater monitoring well shall be installed hydraulically upgradient from the landfill and at least 3 monitoring wells shall be installed in each down-gradient direction.

(b) The location, materials and specifications of the groundwater and surface water monitoring system shall comply with the requirements of RSA 485-A .

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2505.09 Stormwater Management System Design Standards.

(a) All landfills shall include a stormwater management system to:

(1) Divert run-on around or away from the facility;

(2) Control run-off discharge from the facility;

(3) Control erosion, sedimentation, siltation, and flooding; and

(4) Minimize the generation of leachate.

(b) Stormwater management systems shall be designed to accommodate the 25-year storm event of a duration equivalent to the time of concentration of the drainage area being served.

(c) Stormwater management systems shall be designed to accommodate all phases of the landfill's active life, as well as the closure and post-closure period.

(d) Stormwater management systems shall be hydraulically separate from the leachate collection and removal system(s).

(e) Stormwater management systems shall be designed to function effectively during frozen ground conditions.

(f) Permanent sedimentation ponds and detention ponds shall be sized to handle the 25-year/24-hour storm event with no less than one foot of freeboard below the emergency spillway invert.

(g) Peak surface run-off from the landfill site during the 25-year storm event shall be controlled and maintained at the pre-development discharge rate, in accordance with RSA 485-A.

(h) All stormwater that contacts waste shall be managed as leachate unless representative analytical characterization conducted in accordance with the facility's approved operating plan demonstrates the liquid may be lawfully discharged to ground or surface waters without treatment.

(i) Perimeter drainage swales shall be provided to channel run-off during facility development based on the planned sequence of filling pursuant to Env-Wm 2506.02 and during the facility's post-closure period.

(j) Perimeter drainage swales shall be designed and located to accommodate facility capping.

(k) Surface water run-on shall be diverted around and away from the facility by using berms and ditches or similar methods.

(l) Surface water run-off shall be controlled by using benches, terraces, diversion berms and diversion swales or similar methods.

(m) Erosion shall be controlled by using vegetation, terrace berms, silt fences and check dams or similar methods.

(n) Closed drainage systems, if used, shall include provisions for inspections, monitoring and maintenance.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; amd by #6894-B, eff 12-1-98

Env-Wm 2505.10 Landfill Capping System Design Standards.

(a) Landfill capping systems shall be designed to meet the performance standards in Env-Wm 2507.04 so as to:

(1) Reduce leachate generation by limiting to the extent practicable precipitation and surface water infiltration of the waste, through placement of either impermeable or low-permeable cover materials over landfilled areas;

(2) Promote drainage of stormwater and other surface waters away from and around the facility, by properly grading the facility and surrounding areas, and by constructing drainage structures, including berms, trenches, swales, ditches and detention ponds;

(3) Limit erosion and sedimentation by controlling stormwater drainage and by seeding, vegetating, riprapping or otherwise stabilizing surface soils against the effects of wind and water;

(4) At facilities that will generate methane gas, control the release of methane gas from the facility by incorporating vents designed to function properly in all anticipated weather conditions, including heavy or drifting snow, or by incorporating recovery wells or similar methods, to assure compliance with Env-Wm 2506.07;

(5) Protect or isolate the underlying waste materials from exposure to the environment to limit the attraction of vectors, production of odors, risk of injury or fire, and other threats to the public health and safety;

(6) Resist damage due to the influences of freeze-thaw cycles, settlement, loading or other anticipated conditions which, not properly considered during design, will result in over stressing the cap; and

(7) Remediate environmental damage resulting from the facility's operation, if determined necessary by the department on the basis of groundwater and surface water quality at the site or on the basis of other conditions involving environmental degradation at the site prior to closure.

(b) Lined landfill capping systems shall be designed in cross section according to the specifications provided in (e) below.

(c) Unlined landfill capping systems shall be designed in cross section according to the specifications provided in either (e) or (f) below.

(d) For unlined landfills, the type of capping system required pursuant to (e) or (f) below shall be based on which system type will meet the performance standards in Env-Wm 2507.04, using the following factors to make the determination:

- (1) Type and quantity of waste received by the facility;
- (2) Size of facility footprint;
- (3) Compliance and performance history of the facility;
- (4) Extent of groundwater to waste contact zones, if any;
- (5) Groundwater and surface water quality at the facility site;
- (6) Proximity to drinking water supplies;
- (7) Age of the facility;
- (8) Site topography; and
- (9) Geologic and hydrogeologic characteristics of the site.

(e) Impermeable landfill capping systems shall, at a minimum, be comprised of the following layers, from the top of the waste to the top of the cap:

- (1) Layer one, immediately overlying the waste, shall:
  - a. Serve to provide a stable, properly graded base for the placement of layer 2;
  - b. Be designed to resist raveling, or the sifting of fines downward into the underlying wastes; and
  - c. Consist of no less than 12-inches of unspecified soil;
- (2) Layer 2 shall:
  - a. Serve to protect layer 3 from potential damage by underlying coarse soil materials;
  - b. Serve to transmit decomposition gases to gas vents if active gas extraction wells are not used;
  - c. Consist of 12 inches of sand with 100% passing the one inch sieve and with no more than 12% passing the no. 200 sieve on a weight basis if for a facility without an active gas extraction system or 6 inches of soil with 100% passing the one inch sieve if for a facility with an active gas extraction system; and
  - d. Be constructed in accordance with a quality assurance/quality control plan established pursuant to Env-Wm 2505.16;
- (3) Layer 3 shall consist of an impermeable barrier which shall:

- a. Minimize the infiltration of water into underlying wastes so as to limit continued leachate production and the associated adverse impacts to the quality of groundwater and surface waters; and
- b. Consist of a geomembrane with a minimum thickness of 40 mils or an impermeable soil, or admixture; and
- c. Be constructed in accordance with a quality assurance/quality control plan established pursuant to Env-Wm 2505.16;

(4) Layer 4 shall:

- a. Provide for the removal of water which infiltrates through the topsoil layer, or layer 5;
- b. Protect layer 3 from penetration or other damage, including frost and desiccation;
- c. Consist of:
  - 1. At least 18 inches of free-draining sand which has a saturated hydraulic conductivity of no less than  $1 \times 10^{-3}$  cm/sec, will pass on a weight basis no more than 10% through the No. 200 sieve and contains no more than 15% calcium carbonate; or
  - 2. Geonet and no less than 12 inches of drainage sand, specified based on the results of a hydraulic calculation supporting the design and containing no more than 15% calcium carbonate;
- d. Be constructed in accordance with a quality assurance/quality control plan established pursuant to Env-Wm 2505.16; and
- e. Terminate in a drainage system at the toe of the slope of the cap that is designed to readily remove water transmitted by layer 4;

(5) Layer 5 shall:

- a. Serve to stabilize the capping system against the forces of wind and water erosion;
- b. Provide a low-maintenance surface;
- c. Promote evapotranspiration, meaning loss of water from the soil by both evaporation and transpiration from plants growing thereon;
- d. Provide ease of visual inspection of the capping system surface; and
- e. Consist of no less than 4 inches of topsoil, which is fertilized and vegetated.

(6) Alternative or supplemental materials to the topsoil specified in (5) above shall be utilized if determined necessary by the permittee and agreed to by the department on the basis of actual site features and conditions, to achieve the required stability or erosion control.

(f) Low permeable capping systems, formerly referred to by the department as "extended interim closure," shall be comprised of the following layers, at a minimum, from the top of the waste to the top of the cap:

(1) Layer one shall conform to the requirements for layer one for impermeable capping systems as specified in (e)(1) above;

(2) Layer 2 shall:

- a. Serve to isolate wastes from the environment and to protect public health;
- b. Reduce the infiltration of water into underlying wastes;
- c. Consist of no less than 18 inches of soil with a saturated hydraulic conductivity not greater than  $1 \times 10^{-5}$  cm/sec; and
- d. Be constructed in accordance with a quality assurance/quality control plan pursuant to Env-Wm 2505.16;

(3) Layer 3 shall conform to the requirements for layer 5 for impermeable capping systems as specified in (e)(5) above.

(g) Landfill capping systems shall be designed to manage properly stormwater resulting from the 25-year/24-hour storm event and incorporate at least one of the following:

- (1) Intermittent swales on the side slopes of the capping system, placed at an interval of 20 vertical feet or minimum spacing of 100 feet as measured from the center line of the swales, with a minimum slope of 2 percent to allow for settlement; or
- (2) An erosion-resistant moisture retention layer, placed directly under the vegetated layer, designed to sustain vegetative growth and effectively resist gully erosion.

(h) Stability calculations for the landfill capping system shall be submitted by the applicant to support the proposed design.

(i) Excluding the drainage swales noted in (g)(1) above, landfill capping systems shall be designed at a slope of 5% or greater, as necessary to accommodate the anticipated effects of settlement and consolidation and assure positive drainage and stability of the capping system during the post-closure period.

(j) The landfill capping system shall:

- (1) Extend beyond the confirmed limits of landfilled waste and the underlying liner systems; and
- (2) Terminate and/or be anchored in a manner which:
  - a. Stabilizes the capping system against creep, pull-out and material failure due to excessive stress;
  - b. Limits erosion or wash-out at the toe-of-landfill slope(s); and
  - c. Limits, to the extent practicable, surface water from infiltrating into the waste.

(k) The landfill capping system and the post-closure period stormwater management system shall be compatible in design. Hydraulic calculations to support the proposed design shall be provided, including calculations to demonstrate that the drainage media shall function as intended in the design.

(l) Unless the facility only receives inert waste such as concrete debris, the landfill capping system shall incorporate a methane gas management system meeting the performance criteria of Env-Wm 2506.07.

(m) Landfill capping systems shall be designed to support such loading as might occur during and following construction, including activities anticipated to occur during post-closure inspections, monitoring and maintenance, such as maintenance vehicles driving over the cap.

(n) On-the-ground markers or other type of control points shall be placed at the facility site to allow facility inspectors to readily identify and locate the limits of the capping system.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2505.11 Other Landfill Design Requirements.

- (a) The sequencing of facility development shall be planned based on subdividing the footprint into areas separated by berms.
- (b) The subdivisions of a footprint shall be referred to as phases, stages and cells, each term being used as defined in Env-Wm 102.
- (c) A facility shall be comprised of one or more phases, within which may exist one or more stages, within which may exist one or more cells, depending on the size of the facility and the design of the leachate management system.
- (d) The layout and the configuration of, and the sequence for developing the phases, stages and cells shall, by design:
  - (1) Limit leachate generation by controlling the amount of area open to active operation and otherwise placing waste in a controlled manner consistent with the requirements in Env-Wm 2506.02;
  - (2) Limit the length of time unused cells remain inactive; and
  - (3) Avoid the need to decommission groundwater monitoring wells as facility development proceeds and new stages or phases are constructed.
- (e) Fill sequencing/facility development plans shall be prepared as part of the facility operating plan to show clearly the sequencing of facility development.
- (f) Fill sequencing/facility development plans shall:
  - (1) Show elevations and placements of lifts, as well as general access points;
  - (2) Be compatible with the facility's leachate management system design capabilities and limitations;
  - (3) Be compatible with the facility's stormwater management system design capabilities and limitations;
  - (4) Be compatible with the facility closure design; and
  - (5) Provide information and detail sufficient to allow a facility operator to operate the landfill in accordance with the approved design.
- (g) Main access roads within the property boundary of a landfill leading to and from the working face of the landfill shall be designed and maintained to support the required loading, as well as limit to the extent practicable traffic congestion, road safety hazards and dust production.
- (h) Main access roads onto/into property shall be fenced if necessary to catch blowing paper.
- (i) Landscaping features shall be incorporated in conformance with Env-Wm 2803.04.
- (j) Final grades at the facility shall be designed to blend with surrounding features to the greatest extent practicable.
- (k) Perimeter and interior berms shall be analyzed for stability.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2505.12 MSW Landfill Design Standards.

(a) Landfills receiving MSW shall be designed as double-lined facilities pursuant to Env-Wm 2505.05; and

(b) Landfills receiving MSW shall be designed to provide the capability to operate in a manner that promotes rapid biological stabilization of landfilled wastes, as by leachate recirculation and/or bioreactor technologies.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2505.13 MSW Incinerator Ash Landfill Design Standards. Landfills receiving MSW incinerator ash shall be double-lined facilities pursuant to the requirements of Env-Wm 2505.05.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2505.14 Construction/Demolition Debris Landfill and Coal Ash Landfill Design Standards.

(a) Except as provided by Env-Wm 2505.15 and subject to (b) below, landfills receiving construction and demolition debris only or coal ash only may be designed as single-lined facilities pursuant to the requirements of Env-Wm 2505.05.

(b) If, based on an evaluation of the facility's proposed operating plan and/or identification of the specific type or source of the wastes, the characteristics of the wastes cannot be consistently determined or assured or the characteristics pose a threat to groundwater quality, the facility shall be a double-lined facility.

(c) Design features shall include the means to control and extinguish fires which might occur within the landfill and to otherwise limit the potential for liner damage due to fire.

(d) Landfills which co-mingle construction and demolition debris with other waste types shall meet the design requirements set forth in this part relative to the other waste types, if the latter are more stringent than the requirements set forth in (a) above.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2505.15 Design Standards for Landfills Receiving Other Solid Waste Types.

(a) Landfills for any waste type(s) not specifically identified in Env-Wm 2505.12 through Env-Wm 2505.14 shall be designed as double lined facilities, except as provided by (b) below and subject to the landfilling prohibitions in Env-Wm 2506.12.

(b) Landfills which receive only stumps and brush or only asbestos or only inert demolition debris, as assured through the provisions of the facility's operating plan, may be designed as unlined landfills pursuant to Env-Wm 2505.02(b).

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2505.16 Quality Assurance/Quality Control Standards for Liner and Capping Systems.

(a) Liners and capping systems shall be tested and placed in strict accordance with a quality assurance/quality control (QA/QC) plan developed in accordance with this part and approved by the department as part of the construction contract documents provided pursuant to the provisions for a type II permit modification in Env-Wm 315.

(b) The QA/QC plan for the soil components within a leachate collection system and within a leak detection system, and the soil drainage and gas migration layers within a capping system shall, at a minimum, specify criteria for acceptance based on the following tests:

(1) Grain size distribution pursuant to ASTM D422 for:

- a. Every 3000 cubic yards of unprocessed sand; or
- b. Every 10,000 cubic yards of sand which has been processed to meet the project specifications;

(2) Hydraulic conductivity pursuant to ASTM D2434 for each new source of sand material except for the gas migration layer(s); and

(3) Calcium carbonate content pursuant to ASTM D4373 for each new source of sand material except for the gas migration layer.

(c) The QA/QC plan for soil liners and caps shall, at a minimum, specify:

(1) Compaction test method pursuant to ASTM D698 or ASTM D1557 and testing frequency for liner or cap material;

(2) Permeability test method pursuant to ASTM D5084 and testing frequency for liner or cap material;

(3) In place sampling method pursuant to ASTM D1587 and permeability testing frequency of the constructed liner or cap;

(4) Criteria for acceptance of liner or cap; and

(5) Provisions for correcting the installation of off-specification materials.

(d) Geomembranes used as materials for the capping and lining of a landfill shall be manufactured, handled, deployed, seamed and inspected in accordance with a QA/QC plan as follows:

(1) The QA/QC plan shall require:

a. The project engineer pursuant to Env-Wm 2804.06 or his/her designee to verify the quality of the geomembrane material and all phases of geomembrane construction; and

b. The project engineer or his/her designee to be present on site at all times during handling, deployment, seaming, testing and covering of any geomembrane liner or cap and have the authority to order testing and to reject any materials or constructed systems which might affect the liner's or cap's performance for any reason;

(2) The QA/QC plan shall:

a. State clearly the minimum qualifications of the project engineer or his/her designee;

b. Outline the specific duties of the project engineer or his/her designee with respect to the QA/QC plan; and

c. Require the project engineer to provide QA reports as specified in Env-Wm 2804.04;



(3) The QA/QC plan shall contain manufacturer's quality assurance requirements to assure that geomembranes used for landfill liners or caps shall be of a consistent quality and meet the project specifications;

(4) The QA/QC plan, at a minimum, shall:

- a. State the type of geomembrane and the minimum requirements of raw material quality and formulation; and
- b. Identify the minimum acceptance standards for manufactured geomembrane sheets, including overall sheet quality, a list of acceptable index properties and quality of factory seams;

(5) The QA/QC plan shall reference the appropriate standard tests, such as ASTM or GRI, to verify that the requirements cited in (4) above have been met;

(6) To assure that geomembrane material shall not be damaged from the time it leaves the factory to the time it is finally covered, the QA/QC plan shall address the following:

- a. Requirements for shipping, handling and site storage to assure that the material shall be protected from damage and sunlight;
- b. Minimum quality standards for the subgrade upon which the geomembrane will rest;
- c. Provisions for the project engineer or his/her designee to inspect the subgrade prior to placement of any geomembrane and, pursuant to Env-Wm 2804.04, certify that the subgrade has been installed in accordance with contract documents;
- d. Standards for the placement of geomembrane material which address, at a minimum, placement methods, unfavorable weather conditions, excessive heat or cold, and wind; and
- e. The upper limit on the amount of patching any geomembrane panel can receive;

(7) The QA/QC plan shall contain minimum requirements for seam quality and specific remedies for when the minimum requirements are not met;

(8) The QA/QC plan, at a minimum, shall:

- a. Verify the competence of seaming and welding equipment and personnel prior to seaming and welding;
- b. State the frequency at which testing shall occur and the testing protocol to be met;
- c. Require the project engineer or his/her designee to have authority to reject any equipment or personnel not passing the tests specified by the QA/QC plan;
- d. Specify testing for seam strength at a specified interval and criteria for pass/fail; and
- e. Specify testing for seam continuity;

(9) The QA/QC plan shall reference the appropriate standard tests, such as ASTM or GRI, to verify that the requirements cited in (8) above have been met;

(10) The QA/QC plan shall contain provisions for protecting the geomembrane during covering and backfilling; and

(11) The QA/QC plan shall be:

- a. Part of the specifications for the contract documents prepared and submitted to the department for construction approval, pursuant to Env-Wm 2804 and the provisions for a type II permit modification in Env-Wm 315; and
- b. Be approved by the department as a condition of any construction approval granted.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

## **PART Env-Wm 2506 OPERATING REQUIREMENTS**

### **Env-Wm 2506.01 Applicability.**

- (a) The operating requirements in this part shall apply to all landfills, except:
  - (1) Existing landfills which ceased operating prior to October 29, 1997 and do not resume operations on or after October 29, 1997;
  - (2) Permit-exempt landfills identified in Env-Wm 302.02 or Env-Wm 2510;
  - (3) Permit-by-notification landfills having an active life of 90 days or less;
  - (4) Research and development permit facilities as provided by Env-Wm 312.02(b);
  - (5) Emergency permit facilities as provided by Env-Wm 313.02(b).

(b) The operating requirements in this part shall apply as the complement of operating requirements in Env-Wm 2705 for all facilities, Env-Wm 2805 for facilities having an active life longer than 90 days, Env-Wm 2904 for permit-by-notification facilities and, depending on the type of waste managed, Env-Wm 2600.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

### **Env-Wm 2506.02 Waste Placement.**

- (a) As part of the facility operating plan, a fill sequencing plan shall be developed in accordance with Env-Wm 2505.11 and implemented in accordance with the requirements of this section.
- (b) Wastes shall be placed only within the permitted vertical and lateral limits of the landfill.
- (c) Wastes shall be placed in a controlled manner, in accordance with the fill sequencing plans.
- (d) Fill sequencing plans shall be developed on the basis of limiting the quantity of leachate a facility generates, through grading and covering techniques which maximize the quantity of received precipitation that can be handled as stormwater.
- (e) Unloading of waste shall be confined to the smallest practical area.
- (f) Exposed waste on the working face of the landfill shall be limited, to reduce precipitation contact with the waste and to allow the area to be covered as required pursuant to Env-Wm 2506.03.
- (g) All waste shall be evenly spread in shallow lifts and compacted, in accordance with plans and procedures which:
  - (1) Assure stability;

- (2) Limit potential future settlement;
- (3) Limit rainfall infiltration; and
- (4) Are consistent with the progressive development of final grades.

(h) The first layer of waste placed above the leachate collection layer shall be a minimum of 4 feet in compacted thickness and be of a select nature containing no large or rigid objects, such as pipes or posts, that might cause damage to the liner system or instability.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2506.03 Landfill Cover During Operations.

(a) An approved cover material shall be applied over all sides and working faces of the landfill in a manner and at a frequency required to achieve the following performance objectives:

- (1) Minimize the dispersal of offensive odors;
- (2) Minimize the potential to attract and harbor vectors;
- (3) Control drainage in accordance with Env-Wm 2505.06, Env-Wm 2505.09, Env-Wm 2506.05, and Env-Wm 2506.06;
- (4) Control unsightly conditions and windblown waste;
- (5) Reduce the potential for fire;
- (6) Provide stability; and
- (7) Assist in the proper development of final grades, as set forth in the facility's approved fill sequencing plans.

(b) A material shall not be approved or used as cover material unless:

- (1) The material exhibits characteristics required to achieve the performance objectives in (a) above;
- (2) Use of the material will not:
  - a. Cause equipment or operational problems;
  - b. Contribute to the deterioration of leachate quality at lined landfills;
  - c. Cause groundwater contamination at unlined landfills; and
  - d. Pose a hazard to human health through skin contact or respiration; and
- (3) The material itself:
  - a. Is not a hazardous waste;
  - b. Is physically and chemically consistent in nature; and
  - c. Contains no free liquids.

(c) At landfills receiving MSW, cover material shall be placed over all exposed waste no less frequently than at the end of each operating day.

(d) Subject to the requirements in (b) above, the following materials shall be approved as working face cover material:

(1) Natural soils; and

(2) The following alternate materials, provided that use of the material is approved as part of the facility operating plan or approved as a type III permit modification pursuant to Env-Wm 315:

a. Geosynthetic tarps;

b. Casting sands;

c. A waste certified for distribution and use as landfill cover pursuant to the provisions of Env-Wm 3200; and

d. Contaminated soil, subject to the requirements of Env-Wm 2603.05.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; ss by #6894-B, eff 12-1-98

Env-Wm 2506.04 Operating Standards for Groundwater and Surface Water Monitoring. A water quality monitoring program shall be implemented at all landfills, if required pursuant to the provisions of RSA 485-A.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2506.05 Leachate Management Requirements.

(a) All lined landfills shall manage leachate by collecting and removing it from the liner system(s) to an approved treatment or disposal facility.

(b) As part of a facility's operating plan, a leachate management plan shall be developed and implemented at all lined landfills, based on the following criteria:

(1) Routine facility operations, including operations during the 25 year storm event, shall not result in more than one foot of hydraulic head on the liner system(s);

(2) The quantity of leachate generated at the facility shall be limited to the extent possible, by properly planning the sequenced development of the facility, properly managing stormwater infiltration and inflow, minimizing the active area of the landfill and applying cover in accordance with Env-Wm 2506.03;

(3) No less than 2 locations for leachate treatment or disposal shall be available by written agreement to manage the quantity of leachate generated by the facility during its active life, except as provided in (4) below;

(4) Facilities that are directly connected to permitted wastewater treatment facility need only to provide one location for leachate management, other than the treatment facility;

(5) The recirculation of leachate shall be prohibited at ash monofills;

(6) At MSW landfills, leachate recirculation shall be allowed if approved by the department subject to (7) below, as part of the facility's operating plan prepared pursuant to Env-Wm 2805.

(7) The practice of leachate recirculation shall:

- a. Not adversely affect the quality of the leachate so as to preclude its acceptance at waste water treatment facilities listed in the leachate management plan;
- b. Not cause the facility to operate in excess of 12 inches of hydraulic head on the liner under routine operations including the 25 year storm event;
- c. Not result in a loss of structural stability;
- d. Not be adversely affected by weather conditions, such as freezing temperatures or periods of heavy rainfall; and
- e. Provide a benefit to facility operations, exclusive of any short or long-term economic benefit which may be associated with postponing leachate collection and removal.

(c) Storage capacity shall be required to contain the leachate generated by the precipitation from the 100-year storm event in accordance with Env-Wm 2505.06.

(d) A pumping/removal schedule shall be incorporated into facility operations to assure the availability of storage capacity.

(e) Regularly-scheduled inspections and routine maintenance of the leachate collection and removal systems shall be established as part of the facility's operating plan to limit clogging of the systems and to otherwise assure the functional integrity of the systems.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2506.06 Stormwater Management Requirements. The permittee shall grade the site to redirect run-on/off away from the active face of the landfill, reduce the amount of leachate generated, and reduce the potential for erosion, in accordance with Env-Wm 2505.09.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2506.07 Decomposition Gas Control Requirements.

(a) Decomposition gases shall be controlled to prevent hazards to health, safety or property.

(b) Facility operations shall not cause the concentration of methane and other explosive gases to:

- (1) Exceed 25 percent of the lower explosive limit for gases in structures on or off-site, excluding leachate collection and gas control and recovery components; and
- (2) Exceed 50 percent of the lower explosive limit for the gases at and beyond the property boundary within the soil.

(c) To assure that the requirements in (a) above are met, a monitoring program shall be implemented by the permittee in accordance with provisions in the facility's approved operating plan and closure plan.

(d) The type and frequency of monitoring shall be based on the following factors:

- (1) Soil conditions;
- (2) The hydrogeological and hydraulic conditions surrounding the disposal area; and

(3) The location of any man-made structures and property boundaries.

(e) If methane or other explosive gases are detected above the limits specified in (b) above, the permittee shall notify the department immediately and implement contingency procedures to ensure the protection of public health and safety.

(f) A decomposition gas program shall be implemented by the permittee under the provisions of the facility's approved operating plan and closure plan to assure that the facility complies with the federal clean air act and state air quality standards.

(g) A written plan for confined space entry, based on the standards specified by Federal Occupational, Safety and Health Administration (OSHA) requirements, shall be prepared and implemented as part of facility operations.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2506.08 Inspections, Maintenance, Monitoring and Reporting Requirements.

(a) This section establishes requirements, in addition to those requirements specified in Env-Wm 2700 and Env-Wm 2800, for inspecting, maintaining and monitoring landfills which have not undergone closure pursuant to an approved closure plan, and specifies the reporting requirements related thereto.

(b) Unless otherwise specified, the word "daily" as used in this section shall mean on each operating day.

(c) The permittee shall regularly inspect and maintain all facility components, including:

- (1) Roads;
- (2) Berms;
- (3) Active and inactive filling areas;
- (4) Pipes;
- (5) Vaults;
- (6) Valves;
- (7) Tanks;
- (8) Ponds;
- (9) Equipment;
- (10) Temporary, intermediate and final cover;
- (11) Groundwater monitoring wells; and
- (12) Gas management devices.

(d) Leachate management systems shall be monitored, and the data recorded in the facility operating records, as follows:

- (1) The hydraulic head elevation on the liner shall be measured at the low point of a cell, phase or stage where leachate is collected, and recorded:

- a. At least once per month;
  - b. After each storm event greater than or equal to the 2-year/24 hour storm; and
  - c. If the hydraulic head is found to be 12 inches or greater, daily until the hydraulic head is less than 12 inches;
- (2) The quantity of leachate collected off the liner systems and transported off-site or treated shall be measured daily, and the destination recorded;
- (3) Flow in the secondary leachate collection system(s), shall be measured and recorded:
- a. At least once per week; and
  - b. More frequently when required to complete an investigation pursuant to (k) below;
- (4) The average flow in the secondary leachate collection system(s) occurring during the 30-day operating period preceeding the last measurement shall be calculated, recorded and, when required pursuant to (k) below, reported;
- (5) Analytical characteristics, based on representative samples taken from the primary leachate collection system in April, July and November, shall be determined for the following parameters:
- a. pH;
  - b. Temperature;
  - c. Chemical oxygen demand (COD);
  - d. Specific conductance;
  - e. Iron;
  - f. Manganese;
  - g. Sulfates;
  - h. Chlorides;
  - i. Chromium;
  - j. Lead;
  - k. Cadmium; and
  - l. Except for ash landfills, volatile organic compounds (VOCs); and
- (6) The liquid level in the leachate storage tanks shall be measured on a daily basis at facilities not connected to a wastewater treatment facility and on a weekly basis at facilities connected to a wastewater treatment facility.
- (e) Landfill gas concentrations shall be measured no less than quarterly and in accordance with Env-Wm 2506.07.
- (f) Groundwater and surface water quality monitoring systems shall be monitored and the data reported as required pursuant to RSA 485-A.

(g) Facilities shall file quarterly and annual reports in accordance with Env-Wm 303, according to the following schedule:

(1) Quarterly reports shall be filed no later than 30 days following the end of the quarterly reporting period; and

(2) Annual reports shall be filed no later than March 31 of the year following the calendar year being reported.

(h) The quarterly report shall include:

(1) The name and permit number of the reporting facility;

(2) The data specified by (d) and (e) above, excluding leachate analytical data required by (d)(5);

(3) Quantity and type of waste received by the facility daily, in tons;

(4) Data units for each type of data reported;

(5) Reporting period and/or dates the data was collected, for each type of data reported; and

(6) Monthly and quarterly subtotals for each type of data reported.

(i) The leachate analytical data required pursuant to (d)(5), above, shall be filed in accordance with Env-Wm 303, no later than 30 days following receipt of analytical results.

(j) Annual reports shall:

(1) Be prepared as specified by Env-Wm 2805.13 and Env-Wm 2805.14, as applicable; and

(2) Include:

a. A summary of the facility inspection and maintenance activities; and

b. An analysis of remaining capacity based on a site survey which identifies the remaining facility capacity.

(k) The following reporting requirements shall apply to the average secondary leachate collection system flow rates occurring over a 30-day period:

(1) Rates less than or equal to 25 gallons per tributary acre per day shall be reported to the department in accordance with (h) above no less than quarterly;

(2) Rates which exceed 25 gallons per tributary acre per day shall be reported to the department within one week of identifying the rate, except for flow which the department agrees is the result of the dewatering of the drainage layer following construction; and

(3) Except for flow which the department agrees is the result of the dewatering of the drainage layer following construction, rates which exceed 100 gallons per tributary acre per day shall require the permittee to file an investigation report with the department in accordance with Env-Wm 2506.09.

(l) Destruction of facility records shall not occur unless approved by the department pursuant to the provisions for a type V permit modification in Env-Wm 315.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97



Env-Wm 2506.09 Other Operating Standards.

- (a) Equipment for spreading, compacting and covering solid wastes under all anticipated weather conditions shall be available and in operating condition at all times.
- (b) Auxiliary equipment shall be available as required by the facility's operating plan.
- (c) Salvaging of solid waste shall be controlled so as not to interfere with landfill operations and not to harbor vectors or otherwise result in violating the universal facility requirements in Env-Wm 2700.
- (d) Salvaging that constitutes landfill reclamation shall be subject to Env-Wm 2508.
- (e) The permittee shall investigate the occurrence of flow rate in the secondary leachate collection system that exceeds 100-gallons per tributary acre per day and which cannot be reasonably attributed to the dewatering of the drainage layer following construction.
- (f) The investigation in (e) above shall be for the purpose of identifying the potential cause(s) and appropriate response actions related thereto, which shall be reported to the department in writing in the form of a proposed response action plan.
- (g) The permittee shall implement the approved response action plan to include any of the following actions deemed necessary on the basis of the likely cause and remedy of the problem:
  - (1) Increasing monitoring and reporting;
  - (2) Instituting operational changes to limit hydraulic head on the overlying liner;
  - (3) Locating and repairing leak(s);
  - (4) Retrofitting the overlying liner; and/or
  - (5) Closing part or all of the facility if necessary to protect human health and environment.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2506.10 Construction/Demolition Debris Landfill Operating Requirements. Landfills receiving construction and demolition debris shall comply with the operating standards set forth in this part and in Env-Wm 2505.14.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2506.11 Asbestos Waste Landfill Operating Requirements. Landfills receiving asbestos shall operate in compliance with Env-Wm 2601, this part and Env-Wm 2505.15.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5297, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2506.12 Prohibitions. The following wastes shall not be landfilled:

- (a) Untreated infectious waste;
- (b) Contained gaseous waste;
- (c) Liquid wastes;

- (d) Wet cell batteries, pursuant to RSA 149-M:27,II; and
- (e) Leaf or yard waste, except as provided in RSA 149-M:27,III.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

## **PART Env-Wm 2507 CLOSURE REQUIREMENTS**

### **Env-Wm 2507.01 Applicability.**

- (a) The rules in this part shall apply to closure of all landfills, except:
  - (1) Existing permitted facilities which have closed in accordance with a department approved closure plan and have achieved the performance standards in Env-Wm 2507.04;
  - (2) Permit-exempt facilities, operated and closed in compliance with the exemption;
  - (3) Permit-by-notification facilities having an active life of 90 days or less, which have operated and closed in compliance with the permit-by-notification;
  - (4) Research and development permit facilities as provided by Env-Wm 312.02(b); and
  - (5) Emergency permit facilities as provided by Env-Wm 313.02(b).

(b) The closure requirements in this part shall apply as the complement of the closure requirements in Env-Wm 2706 for all facilities, Env-Wm 2806 for facilities having an active life longer than 90 consecutive days and, depending on the type of waste managed, Env-Wm 2600.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

### **Env-Wm 2507.02 Closure Scheduling.**

(a) Except as noted in (b) below, a landfill which has operated in compliance with its permit shall be subject to closure on a schedule specified in the permit based on the facility capacity and life expectancy.

(b) A landfill which holds a temporary permit shall be subject to closure on a schedule determined pursuant to Env-Wm 307.

(c) Other circumstances which shall provide cause for closure shall be as specified in Env-Wm 2706.01.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; amd by #6894-B, eff 12-1-98

### **Env-Wm 2507.03 Landfill Closure and Post-Closure Requirements.**

(a) Landfills shall be closed in accordance with an approved closure plan pursuant to Env-Wm 2806.

(b) Subject to (c), below, landfill closure and post-closure activities shall involve all activities required at a facility to achieve the performance standards in Env-Wm 2507.04, including:

- (1) Terminating active use of the facility;
- (2) At unlined landfills, investigating the extent of waste to groundwater contact zones, if any, and if required under RSA 485-A:

- a. Removing the waste out of groundwater; and/or
  - b. Lowering the groundwater table;
- (3) Consolidating landfilled waste within the permitted footprint, grading slopes and otherwise configuring the facility for acceptance of a capping system that meets the requirements of Env-Wm 2505.10;
  - (4) Constructing and maintaining a capping system at the facility which meets the standards set forth in Env-Wm 2505.10;
  - (5) Constructing, operating and maintaining a stormwater management system for the capped facility and site in accordance with the standards set forth in Env-Wm 2505.09 and Env-Wm 2506.06;
  - (6) Operating and maintaining the facility's leachate management system in accordance with Env-Wm 2506.05 and in accordance with a schedule specified in the approved post-closure monitoring and maintenance plan;
  - (7) Operating, maintaining and monitoring the facility's leak detection system(s) in accordance with the provisions of the approved post-closure monitoring and maintenance plan;
  - (8) Constructing, operating and maintaining the facility's groundwater and surface water monitoring system and implementing the facility's approved post-closure groundwater and surface water monitoring program in accordance with RSA 485-A;
  - (9) Constructing, operating, and maintaining the facility's decomposition gas control system as applicable, in accordance with Env-Wm 2506.07;
  - (10) Monitoring settlement, both by visual inspection and by using established control points, and making related repairs to the facility as needed including the repair of areas where settlement exceeds the capping system's design tolerances and the repair of areas where settlement results in the loss of positive drainage;
  - (11) Providing control of access to the facility in accordance with Env-Wm 2704 and to facilitate compliance with the performance standards provided in Env-Wm 2507.04 and to otherwise limit threats to public health, safety and the environment;
  - (12) Providing financial assurance for the cost of post-closure monitoring, in accordance with Env-Wm 3100;
  - (13) Meeting all requirements in Env-Wm 2507.05 and filing all reports with the department in accordance with Env-Wm 2805.14; and
  - (14) Undertaking any other activities, including remedial activities, as necessary to achieve compliance with Env-Wm 2507.04.
- (c) Maintaining a closed landfill or any component thereof shall include all inspection, monitoring and repair work required to satisfy the performance standards in Env-Wm 2507.04 and the reporting requirements in Env-Wm 2507.05.
  - (d) For landfills existing prior to October 29, 1997 and located on property not owned by the permittee, the permittee shall obtain legal rights of access to the property prior to facility closure for the purpose of meeting all required closure and post-closure obligations at the facility in accordance with the solid waste rules. Such legal rights of access shall be for a period of time not less than 99 years.

7-1-91; amd by #5297, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97,  
EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2507.04 Performance Standards. The permittee shall assure through implementation of an approved closure plan that:

- (a) The facility and site shall effectively cease generating leachate;
- (b) The facility and site shall effectively cease generating decomposition gases;
- (c) The facility and site shall achieve maximum settlement, with the capping system intact and no reasonable expectation that integrity of the capping system will be at risk without regular maintenance;
- (d) The facility and site shall have no adverse impact to air, groundwater or surface water; and
- (e) The facility and site shall not otherwise pose a risk to human health or the environment.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5297, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2507.05 Post-Closure Inspections, Monitoring, Maintenance and Reporting Requirements.

(a) The post-closure period of a landfill shall be the period of time required to demonstrate the facility has achieved the performance standards specified in Env-Wm 2507.04.

(b) During the post-closure period, the permittee shall have specific obligations to regularly inspect, monitor and maintain the facility in conformance with the solid waste rules based on the provisions of a post-closure inspection, monitoring and maintenance plan approved by the department in the permit pursuant to (e) below.

(c) For the purposes of determining initial financial assurance requirements, the post-closure period for landfills receiving municipal solid waste and/or MSW ash shall be equal to 30 years from the date the complete capping system is installed.

(d) The initial post-closure period shall be subject to periodic adjustment by implementing the permit modification procedures in Env-Wm 306 and Env-Wm 315 as follows:

(1) In the event that post-closure monitoring data or other available information provides an indication that the required performance standards are unlikely to be achieved during the approved post-closure monitoring period:

a. The permittee shall identify the cause in a report to the department; and

b. Depending on the cause, the department shall adjust the post-closure monitoring period and/or require the permittee to implement remedial closure or post-closure work, pursuant to the permit modification procedures in Env-Wm 306; or

(2) In the event the permittee believes that post-closure monitoring data and other available information provides sufficient evidence that the required performance standards are achieved at the facility, the permittee may submit an application for permit modification pursuant to Env-Wm 315 to request an appropriate reduction in the post-closure period for the facility.

(e) A detailed post-closure inspection, monitoring and maintenance plan shall be developed and implemented by the permittee to assure compliance with Env-Wm 2507.03, Env-Wm 2507.04, and this section. The plan shall be a condition of the facility's permit when approved by the department.

(f) All facility systems shall be thoroughly inspected on a schedule that is initially the same as required of operating facilities in Env-Wm 2506.08.

(g) The permittee may request a decrease in the frequency of inspections based on a favorable comparison of the performance expectations and actual performance but in no case shall inspections occur less than semi-annually.

(h) Copies of the inspection reports shall be filed in accordance with Env-Wm 303 within 30 days of completing the inspection.

(i) Pursuant to Env-Wm 2805.14, the permittee shall file an annual report with the department including an assessment of whether facility is achieving the performance requirements in Env-Wm 2507.04.

(j) The permittee shall notify the department in accordance with Env-Wm 2805.07 when facility damage, malfunction or sub-standard performance occurs at the facility.

(k) Following completion of the capping system construction, the permittee shall file record drawings for the closed facility in accordance with Env-Wm 2804.07.

(l) The permittee shall attach notification to the property deed that a landfill exists on the property and cause the notification to be recorded at the registry of deeds in the county where the property is located.

(m) Proof of notification filing pursuant to (l) above shall be provided to the department by the permittee with the submission of record drawings pursuant to (k) above.

(n) Notification pursuant to (l) shall include the following information:

(1) A statement that a landfill exists on this property;

(2) Identification of the registry of deeds, book and page numbers where title to the property is recorded;

(3) Identification of the property tax map and lot numbers as identified by the political subdivision in which the facility is located;

(4) USGS coordinates for the landfill site;

(5) Description of the facility, including size, type of wastes received, type of liner if any and type of cap;

(6) Description of closure implemented and identification of the permit issued by the department under which closure occurred, including a statement that the permit might contain certain legal obligations regarding the site;

(7) A statement that post-closure use of the property shall not disturb the integrity of the final cover, liners, or any other components of the containment systems or the function of the monitoring systems unless approved by the department;

(8) A statement that any future change in use shall be subject to review and approval by the department pursuant to (o) below; and

(9) A statement that access shall be assured to department inspection personnel and the permittee for monitoring/maintenance purposes.

(o) The permittee shall obtain department approval, via the permit modification procedures in Env-Wm 315, for any post-closure activity at the site not specifically approved by the facility's permit.

(p) The permittee shall implement such repairs or remedial activities as necessary to assure compliance with the performance standards set forth in Env-Wm 2507.04.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5297, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

**PART Env-Wm 2508 LANDFILL RECLAMATION**

Env-Wm 2508.01 Applicability.

(a) The rules in this part shall apply, as specified in Env-Wm 101.02(c), to facilities where landfill reclamation activities occur.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5297, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2508.02 Approval Required.

(a) Landfill reclamation activities shall proceed only in accordance with approval granted in the form of a permit or permit modification.

(b) The information required by this part shall be submitted with the permit application or application for permit modification.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5297, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2508.03 Feasibility Study.

(a) The permittee shall conduct a feasibility study prior to any reclamation activities.

(b) Prior to conducting the feasibility study, a scope-of-work for the study shall be submitted to the department as an application for type I-B permit modification pursuant to Env-Wm 315, including:

(1) Provisions for a review of existing background data to include:

- a. Site inspections and personnel interviews;
- b. Operating history and waste receipt records; and
- c. Analytical data, engineering records and department records;

(2) A site plan showing the location of all proposed work areas;

(3) The proposed number and location of all borings, trenches and test pits;

(4) A description of all excavation and materials handling operations;

(5) A description of all material quantification methods, laboratory analyses and test burns which will be used to characterize and estimate the quantities of recyclables, soils, combustibles and other components;

(6) A description of project management responsibilities with a proposed work schedule;

(7) A contingency plan as described in Env-Wm 2508.05;

(8) If the facility is closed, a plan for the repair of any damage done to the capping system; and

(9) If the facility is lined, a plan for the protection of all existing landfill components including liners, leachate collection piping, gas recovery systems, storm water systems and other components as applicable.

(c) The feasibility study field investigation shall not be conducted unless approved by the department as a modification of the permit.

(d) Upon completion of the feasibility study field investigation, the permittee shall submit a report to the department which compiles and interprets the collected data, including the following:

- (1) The results of all sampling and analysis performed on excavated materials;
- (2) The thickness of solid waste fill including the logs of all test pits and test borings;
- (3) Information to characterize the composition and relative quantities of excavated materials, including recyclables, combustibles, soils and other components;
- (4) An evaluation of the suitability of the excavated materials for reuse or recycling, the need for further processing and the expected final disposition;
- (5) An assessment of potential landfill reclamation costs and potential landfill closure costs;
- (6) An assessment of the impacts associated with landfill reclamation; and
- (7) A determination if landfill reclamation is feasible at the facility.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5297, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2508.04 Landfill Reclamation Work Plan.

(a) If landfill reclamation is determined to be feasible in accordance with Env-Wm 2508.02, and landfill reclamation is to be undertaken, the permittee shall submit a landfill reclamation work plan to the department.

(b) The landfill reclamation work plan shall include the following:

- (1) A detailed plan for the management and control of odors, which specifically addresses measures to avoid the dispersion of offensive odors in residential areas and includes provisions for work stoppage in the event planned odor control measures fail;
- (2) A map showing the location of all inhabited dwellings within 2000 feet of the reclamation area and the direction of prevailing winds;
- (3) A site plan which details the proposed reclamation area and delineates in plan and cross-sectional view the depth of excavation, proximity to the liner and leachate collection system, if any, other landfill structures and components, and the direction the landfill reclamation will progress;
- (4) A description of the excavation and sorting procedures for all removed materials;
- (5) A contingency plan in accordance with Env-Wm 2508.05;
- (6) A description of all procedures, including quality assurance and quality control provisions, for processing, testing, storage, removal, transfer, use and disposal of excavated waste;
- (7) A storm water management and leachate management plan; and

- (8) The procedure for site clean-up and grading after the reclamation with detailed drawings depicting original and final grades.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6619-B, eff 10-29-97

Env-Wm 2508.05 Contingency Plan.

- (a) A contingency plan shall be submitted as part of any landfill reclamation work plan and feasibility study.
- (b) The contingency plan shall include the following:
- (1) A description of actions to be taken with respect to personnel safety, on-site personnel injury, fires, explosions, landfill gases, dust, odor, noise, vectors and excavation and release of hazardous substances or toxic materials;
  - (2) Hazard evaluation and protection from potential hazards, including engineering controls, personal protection equipment and air monitoring techniques;
  - (3) Designation of exclusion, decontamination and support zones, decontamination procedures, on-site communication procedures, emergency procedures and access control; and
  - (4) Designation of a qualified, full-time site health and safety coordinator.

Source. #6619-B, eff 10-29-97

**PART Env-Wm 2509 PERMIT-BY-NOTIFICATION LANDFILLS**

Env-Wm 2509.01 Purpose. The purpose of the rules in this part is to identify types of landfills eligible for a permit-by-notification pursuant to Env-Wm 311.

Source. #6619-B, eff 10-29-97

Env-Wm 2509.02 Off-site Masonry Debris Landfill. A landfill for the burial of asphalt and masonry type debris from off-site locations shall be eligible for a permit-by-notification pursuant to Env-Wm 311, provided the facility meets each of the following requirements:

- (a) The facility shall comply with Env-Wm 2900;
- (b) The facility shall receive and bury the following waste types only:
- (1) Fully cured concrete, brick, cement and/or other inert masonry material, substantially free of protruding reinforcing materials; and/or
  - (2) Fully cured asphalt which is not ground or pulverized;
- (c) The buried waste shall not include any materials or substances that have the potential to leach contaminants to groundwater or surface water or to emit pollutants to the air, including lead paint, asbestos and chemicals;
- (d) If the permittee is a private entity:
- (1) The waste shall be received only from a single source;
  - (2) The quantity of buried waste shall not exceed 1300 cubic yards; and
  - (3) The active life of the facility shall be no longer than 90 days;



(e) If the permittee is a government agency or unit or a political subdivision of the state and will have an active life longer than 90 days:

(1) The facility shall be located on publicly owned land controlled by the permittee; and

(2) The facility shall be located no less than 100 feet from property lines;

(f) The permittee shall attach notification to the property deed in accordance with Env-Wm 2507.05; and

(g) The facility shall commence operations prior to April 1, 1999.

Source. #6619-B, eff 10-29-97; ss by #6894-B, eff 12-1-98

Env-Wm 2509.03 Off-site Stump Dump.

Source. #6619-B, eff 10-29-97; rpld by #7225, eff 3-31-00

## **PART Env-Wm 2510 PERMIT-EXEMPT LANDFILLS**

Env-Wm 2510.01 Purpose. The purpose of the rules in this part is to identify landfills which are permit-exempt, pursuant to Env-Wm 302.03.

Source. #6619-B, eff 10-29-97

Env-Wm 2510.02 General Exemption Provisions.

(a) The landfills described in this part shall be exempt from obtaining a permit, subject to the requirements in Env-Wm 2510.03.

(b) A permit exemption shall not affect a person's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district or local permits, ordinances, laws or approvals or conditions pertaining to the permit-exempt activities.

Source. #6619-B, eff 10-29-97

Env-Wm 2510.03 Exemption Conditions. All permit-exempt landfills identified in this part shall comply with the following requirements:

(a) A permit-exempt landfill shall not be located on property that is subject to any ongoing enforcement action by the department, unless approved by the department as part of the enforcement action.

(b) A permit-exempt landfill shall not adversely affect the operation and closure of any existing facility.

(c) The owner of the property on which the facility is located shall be designated as the permittee and subject to all obligations related thereto.

(d) At all times during facility operations, the permittee shall maintain cover materials at the facility site in a sufficient quantity as to comply with the applicable cover requirements.

(e) During the active life of the facility, the permittee shall control access to the facility in a manner as to prevent unlawful dumping.

(f) The permittee shall close the facility in conformance with Env-Wm 2706 as follows:

(1) No less than 2 feet of clean, compacted soil, and more when specified by the rules in this part, shall be placed as final cover over all landfilled waste;

(2) Final cover shall be properly graded, seeded and mulched to produce and sustain vegetative growth, or otherwise stabilized to prevent erosion;

(3) The permittee shall regularly inspect the facility to assure that the cover materials maintain their integrity, that voids and sink holes do not develop, and that the site is otherwise protective of the environment, public health and safety; and

(4) The permittee shall implement repairs and/or take other remedial action as necessary to achieve and maintain compliance therewith;

(g) The facility shall comply with all other requirements specified in Env-Wm 2700 and, depending on the type of waste managed at the facility, Env-Wm 2600; and

(h) All waste managed at the facility shall be actively managed.

Source. #6619-B, eff 10-29-97; amd by #6894-B, eff 12-1-98

Env-Wm 2510.04 On-site Asphalt and Masonry Debris Landfill. Subject to Env-Wm 2510.03, no permit shall be required to bury asphalt and masonry type debris at the waste generation site, provided that:

(a) The facility shall receive and bury the following waste types only:

(1) Fully cured asphalt, concrete, brick, cement or other inert masonry materials substantially free of protruding reinforcing materials; and/or

(2) Fully cured asphalt which is not ground or pulverized;

(b) The buried waste shall not include any materials or substances that have the potential to leach contaminants to groundwater or surface water or to emit pollutants to the air, including lead paint, asbestos and chemicals;

(c) The waste shall be buried in a manner as to preclude the development of sink holes and to otherwise be protective of the environment, public health and safety;

(d) The waste shall be buried at least 75 feet from all water supply wells and surface waters and at least 4 feet above the seasonal high water table and bedrock; and

(e) The facility shall commence operations prior to April 1, 1999.

Source. #6619-B, eff 10-29-97; ss by #6894-B, eff 12-1-98

Env-Wm 2510.05 Leachfield Repair Residuals Landfill. Subject to Env-Wm 2510.03, no permit shall be required to bury waste soil and stone from the repair or replacement of existing leaching fields regulated under Env-Ws 1000, provided that:

(a) The burial location shall be on the same property as the waste generation site;

(b) The buried waste shall be placed at least 4 feet above the seasonal high water table and bedrock; and

(c) The burial location shall meet the minimum separation distances for leach bed trenches required in Env-Ws 1008.

Source. #6619-B, eff 10-29-97; amd by #6894-B, eff 12-1-98

Env-Wm 2510.06 Abandoned Underground Structures. Subject to Env-Wm 2510.03, no permit shall be required to bury in place existing abandoned underground structures, such as foundation walls, footings, pipes and culverts, provided that:

(a) The abandoned structure shall not include:

- (1) Materials or substances that have the potential to leach contaminants to groundwater or surface water or to emit pollutants to the air;
- (2) Treated wood;
- (3) Insulation; and
- (4) General construction and demolition debris;

(b) The abandoned structure shall not be a structure which is required by other rules or regulations to be removed;

(c) The structure shall be buried in a manner as to preclude the development of sink holes and to otherwise be protective of the environment, public health and safety; and

(d) The material used to fill and cover the structure shall not be a waste.

Source. #6619-B, eff 10-29-97

Env-Wm 2510.07 Incidental Animal Burial. Subject to Env-Wm 2510.03, no permit shall be required to bury a deceased animal, provided that:

(a) The person controlling the land where the animal is buried shall agree to the location of the grave site;

(b) The grave shall be covered with a sufficient quantity and depth of soil as to avoid disturbance of the burial site by other animals; and

(c) The grave site shall not constitute a pet cemetery as otherwise regulated under the provisions of Env-Wm 2510.08.

Source. #6619-B, eff 10-29-97

Env-Wm 2510.08 Pet Cemeteries. Subject to Env-Wm 2510.03, no permit shall be required to bury animal carcasses not regulated under Env-Wm 2604.01(e) and not exempt pursuant to Env-Wm 2510.07, provided that:

(a) The location shall be at least 100 feet from any property boundary or surface water, 200 feet from a private or community water supply, and 400 feet from a municipal water supply;

(b) The buried material shall be placed at least 4 feet above the seasonal high water table and bedrock;

(c) The carcasses shall be covered with at least 3 feet of clean fill immediately following placement in the ground; and

(d) Written notification shall be provided to the state veterinarian in instances where 10 or more carcasses are buried.

Source. #6619-B, eff 10-29-97

Env-Wm 2510.09 Off-site Stump Dump. Subject to Env-Wm 2510.03, no permit shall be required to bury stumps and tree parts thereof received from off-site locations, provided that:

(a) The burial site is:

- (1) At least 75 feet from any water supply well;

- (2) At least 25 feet from any property line; and
- (3) At least 4 feet above the seasonal high groundwater table;
- (b) The stumps and tree parts thereof are buried in a manner as to preclude the development of sink holes and erosion of cover materials, and to otherwise be protective of the environment, public health and safety; and
- (c) A notation is recorded in the chain of title for the property on which the burial site is located, to include the following information:
  - (1) A statement that the property has been used for the disposal of stumps and tree parts thereof;
  - (2) The date the disposal activity took place;
  - (3) The location of the burial area(s), with sufficient specificity as to allow an independent third party to locate the area(s); and
  - (4) The estimated quantity of waste disposed on the property.

Source. #7225, eff 3-31-00

**CHAPTER Env-Wm 2600 MANAGEMENT OF CERTAIN WASTES**

Statutory Authority: RSA 149-M:7

**PART Env-Wm 2601 ASBESTOS**

Env-Wm 2601.01 Applicability.

(a) The rules in this part shall apply, as specified in Env-Wm 101.02(c), to the management of asbestos waste, both friable and non-friable.

(b) The rules in this part shall apply to the management of material having the potential to be asbestos waste based on its visual appearance, form, function and other available information, unless testing in accordance with the analytical procedures in 40 CFR 61 determines the waste to be non-asbestos based.

(c) The rules in this part shall apply to wastes and materials that are combined or mixed with asbestos waste.

(d) The rules of this part shall apply from the point of waste origination to the point of waste disposal.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2601.02 Collection, Storage and Transfer Requirements.

(a) Collection, storage and transfer of asbestos waste shall be accomplished in a manner as to prevent the release of asbestos fibers to the environment, and in conformance with the requirements of Env-Wm 2100, 40 CFR 61, 29 CFR 1910, 29 CFR 1926, He-P 5000, Env-A 1800 and (b) through (f) below.

(b) Collected asbestos waste that is friable or exhibits friable characteristics shall be processed or treated in accordance with Env-Wm 2601.03 prior to storage, transfer or disposal.

(c) Collected asbestos waste shall be packaged and labeled in accordance with Env-Wm 2601.06 prior to storage or transfer.

(d) Asbestos waste shall be stored only in areas:

- (1) Restricted from public access;
- (2) Protected from the elements, specifically including wind and water;
- (3) Regularly monitored to assure site security; and
- (4) Conspicuously posted with legible signs imprinted with the following:
  - a. "Danger";
  - b. "Asbestos waste storage area";
  - c. "Dust, cancer and lung disease hazard"; and
  - d. "Authorized personnel only."

(e) The permittee shall notify local fire officials as to the establishment and location of an asbestos storage facility requiring a standard permit to alert responding fire personnel of the potential hazard in the event of a fire.

(f) Asbestos waste shall be transferred only to facilities authorized to receive asbestos waste.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2601.03 Processing and Treatment Requirements.

(a) Asbestos waste shall be processed or treated in accordance with the requirements of Env-Wm 2200 and this section, and in accordance with other applicable state and federal regulations including 40 CFR 61, 29 CFR 1910 and 1926, Env-A 1800 and He-P 5000.

(b) Prior to packaging, storage or disposal, asbestos waste that is friable or exhibits friable characteristics shall be treated to limit the potential for release of asbestos fibers using one or more of the following methods in accordance with 40 CFR 61 and Env-A 1800:

(1) Spray with water or amended water;

(2) Cover with an encapsulant or sealant, using an airless or electrostatic sprayer if the material is hydrophobic; or

(3) Another method determined pursuant to Env-A 1800 to be functionally equivalent to the above, based on information submitted by the person responsible for the treatment.

(c) Facilities that process or treat asbestos waste shall collect, store and transfer the waste in accordance with the requirements of Env-Wm 2601.02.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2601.04 Disposal Requirements.

(a) Asbestos waste shall be landfilled at authorized facilities only.

(b) Asbestos waste that is friable or exhibits friable characteristics shall not be landfilled prior to being:

(1) Treated in accordance with Env-Wm 2601.03; and

(2) Packaged and labeled in accordance with Env-Wm 2601.06.

(c) Facilities which landfill asbestos waste shall be equipped and staffed to manage the asbestos in conformance with the solid waste rules, including:

(1) Personnel protective equipment pursuant to Env-Wm 2601.08(a);

(2) Staff trained pursuant to Env-Wm 2601.08(a);

(3) Equipment for wetting asbestos; and

(4) Decontamination equipment.

(d) Prior to receiving asbestos waste, the landfill operator shall prepare a disposal area within the permitted footprint to allow the asbestos waste to be placed and immediately covered without release of asbestos fibers to the air and without direct contact between the asbestos waste and personnel and equipment.

(e) Containers of asbestos waste shall be unloaded at landfills in such a manner as to prevent:

- (1) Release of asbestos fibers;
- (2) Personal exposure to asbestos fibers; and
- (3) Direct contact with asbestos fibers by personnel and equipment.

(f) Non-rigid containers which have been exposed to asbestos waste shall be disposed with the asbestos waste.

(g) Following placement in the disposal area, asbestos waste shall be immediately covered with at least 3 feet of non-asbestos waste or 18 inches of soil.

(h) An asbestos waste disposal facility shall compile records pursuant to 40 CFR 61, to include a map or diagram of the disposal area identifying the location, depth, area and quantity of asbestos waste landfilled at the facility.

(i) Records specified by (h) above shall be maintained in accordance with Env-Wm 2805.06.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2601.05 Reuse Requirements and Limitations.

(a) Asbestos waste shall not be reused.

(b) Reuse of containers used for storage and/or transportation of asbestos waste shall comply with Env-Wm 2601.06 (d) through (f).

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2601.06 Transportation, Packaging and Labeling Requirements.

(a) Prior to storage, transportation or disposal, asbestos waste shall be packaged and labeled in accordance with state rules and federal regulation, including as applicable, 40 CFR 61, 29 CFR 1910, 29 CFR 1926, Env-A 1800 and this section.

(b) Prior to being packaged, asbestos waste that is friable or exhibits friable characteristics shall be treated in accordance with Env-Wm 2601.03.

(c) Bags used for disposal of friable asbestos waste shall be made of at least 6 mil polyethylene or a functional equivalent.

(d) Bags identified in (c) above shall not be reused.

(e) Containers receiving bulk unwrapped asbestos waste shall be lined with at least 20 mil polyethylene or its functional equivalent.

(f) The liner material identified in (e) above shall not be reused.

(g) A waste shipment record shall accompany all asbestos waste when transported, pursuant to the provisions of 40 CFR 61.

(h) Asbestos waste transporters shall comply with United States Department of Transportation regulations and New Hampshire department of safety rules, as applicable.

(i) Asbestos waste transporters shall notify the receiving landfill prior to delivering a shipment of asbestos waste, so as to provide the landfill operator with the opportunity to properly prepare the disposal area pursuant to Env-Wm 2601.04.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2601.07 Testing and Reporting Requirements.

(a) If during transportation a person spills one pound or more of asbestos waste that is friable or exhibits friable characteristics, the person shall immediately report the incident by telephone to the following agencies and entities:

- (1) The department's air resources division and waste management division;
- (2) The hazardous material team at the department of safety; and
- (3) The national response center.

(b) The analytical testing procedures specified in 40 CFR 61 shall be used to determine whether a waste is asbestos waste.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2601.08 Other Requirements.

(a) Personnel handling asbestos waste shall be trained and equipped as required by 29 CFR 1910 and He-P 5000.

(b) Asbestos waste shall not be intentionally combined or mixed with other waste types prior to disposal.

(c) Asbestos waste shall not be incinerated.

(d) Asbestos waste and waste mixtures shall not be composted.

(e) Asbestos waste and waste mixtures shall not be land applied.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97



**PART Env-Wm 2602 ASH**

Env-Wm 2602.01 Applicability.

(a) Except as provided in (b) and (c) below, the rules in this part shall apply, as specified in Env-Wm 101.02(c), to management of bottom ash and fly ash from the point of origin to the point of final disposal.

(b) The rules in this part shall not apply to:

- (1) Ash generated by private residences from the combustion of wood or fossil fuel;
- (2) Ash from crematoriums;
- (3) Wood ash certified for distribution and use pursuant to Env-Wm 3400, provided it is distributed and used in accordance with the certification; and
- (4) Boiler slag from the combustion of coal managed in accordance with Env-Wm 302.03(b)(9).

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2602.02 Collection, Storage and Transfer Requirements.

(a) Collection, storage and transfer of ash shall comply with the requirements of Env-Wm 2100 and this section.

(b) Ash shall be collected and stored in containers in a manner which:

- (1) Avoids the dispersion of ash residue, including particulates;
- (2) Is fire safe;
- (3) Prevents rain water infiltration; and
- (4) Collects and controls the free liquid that drains from the ash, if the ash is quenched or treated with applied liquids.

(c) Prior to transfer, ash generators shall comply with the hazardous waste determination requirements in Env-Wm 502 and thereby assure proper management of the ash as follows:

- (1) If the ash is determined to be a hazardous waste, it shall be managed as a hazardous waste in accordance with all applicable state rules and federal hazardous waste regulations; and
- (2) If the ash is determined to be non-hazardous, it shall be managed as a solid waste in accordance with this part.

(d) Ash shall not be transferred from the generator's collection area until cooled sufficiently as to eliminate the potential to cause fire and burn injury.

(e) The transfer of ash from one location to another shall comply with the requirements of Env-Wm 2602.06.

(f) Prior to unloading, ash shipments received by a collection, storage and transfer facility shall be inspected by the receiving facility to determine whether the load is hot.

(g) Hot ash shall not be deposited at a receiving facility where it might start a fire and/or cause burn injury.

(h) Hot ash shall be segregated from combustible materials, contained and extinguished.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2602.03 Processing and Treatment Requirements.

(a) Processing and treatment of ash shall comply with the requirements of Env-Wm 2200 and this section.

(b) Processing and treatment of ash shall be carried out in a manner which:

(1) Avoids the dispersion of ash residue, including particulates;

(2) Is fire safe;

(3) Prevents rainwater infiltration; and

(4) Collects and controls the free liquid that drains from the ash, if quenched or treated with applied liquids.

(c) Prior to unloading, ash shipments received by a processing or treatment facility shall be inspected by the receiving facility to determine whether the load is hot.

(d) Hot ash shall not be deposited at a receiving facility where it might start a fire and/or cause burn injury

(e) Hot ash shall be segregated from combustible materials, contained and extinguished.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2602.04 Disposal Requirements.

(a) Ash shall be disposed only at authorized facilities.

(b) If disposed in a New Hampshire landfill, the facility shall be a lined facility meeting the requirements of Env-Wm 2500 as follows:

(1) Ash from the combustion of municipal solid waste shall be disposed in double lined facilities only;

(2) Ash from the combustion of coal may be disposed in either a double lined facility or single lined facility as provided by (3) below; and

(3) Coal ash shall be disposed in a single lined facility only if:

a. The facility shall be a monofill; and

b. The required groundwater monitoring system shall be designed to serve as a leak detection system.

(c) Prior to unloading, ash shipments received by a New Hampshire landfill shall be inspected by the receiving facility to determine whether the load is hot.

(d) Hot ash shall not be deposited where it might start a fire or cause burn injury.

(e) Hot ash shall be segregated from combustible materials, contained and extinguished.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2602.05 Reuse Requirements and Limitations. Ash and ash-derived products shall be certified in accordance with Env-Wm 3200 prior to distribution and use in New Hampshire.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2602.06 Transportation, Packaging and Labeling Requirements.

(a) Ash shall be transported in a manner which shall prevent dispersion of ash residue, including particulates.

(b) Ash shall not be transported in or through New Hampshire unless the generator has first completed a hazardous waste determination in accordance with Env-Wm 502.

(c) Ash shall not be transported unless cooled sufficiently to eliminate the potential for fire and/or burn injury while in-transit and following delivery.

(d) Ash that is quenched or contains free liquid shall be transported in leak tight containers or shall be sufficiently dry prior to transport as to preclude the discharge of liquids from the transportation vehicle while in-transit.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2602.07 Testing and Reporting Requirements.

(a) The ash generator shall comply with the hazardous waste determination requirements in Env-Wm 502 by developing and implementing a quality assurance/ quality control (QA/QC) plan for ash sampling and analysis.

(b) The QA/QC plan for ash sampling and analysis shall specify:

(1) The procedures by which representative samples of ash will be obtained;

(2) The contaminants and parameters for which testing will be conducted;

(3) The data analysis necessary to demonstrate the level of precision and accuracy are acceptable; and

(4) The testing methods.

(c) Ash testing results and QA/QC plan information shall be maintained by the ash generator and made available to department for inspection pursuant to Env-Wm 3700 and the hazardous waste rules.

Source. #6619-B, eff 10-29-97; ss by #6894-B, eff 12-1-98

Env-Wm 2602.08 Other Requirements.

(a) A New Hampshire facility that receives ash generated in another state shall obtain from the ash generator copies of the required hazardous waste determination.

(b) Information pursuant to (a) above shall be maintained by the permittee as part of the facility operating records pursuant to Env-Wm 2805.06.

Source. #6619-B, eff 10-29-97

**PART Env-Wm 2603 CONTAMINATED SOILS AND MEDIA**

Env-Wm 2603.01 Applicability.

(a) Except as provided by (b) below, the rules in this part shall apply, as specified in Env-Wm 101.02(c), to facilities that manage soils and absorbent media contaminated with liquids not regulated as hazardous waste, including certain oils, greases, fats, tars and petroleum products.

(b) The rules in this part shall not apply to soils contaminated with oil and regulated pursuant to Env-Ws 412, namely oil contaminated soils managed at the waste generation site.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91, EXPIRED: 7-1-97

New. #6619-B, eff 10-29-97

Env-Wm 2603.02 Collection, Storage and Transfer Requirements.

(a) Collection, storage and transfer of contaminated soils and absorbent media shall comply with the requirements of Env-Wm 2100 and this section.

(b) Contaminated soils and absorbent media shall be collected and stored in leak tight containers or be underlain by impermeable surfaces or by other means to prevent the discharge of contaminants to groundwater and surrounding soils.

(c) Contaminated soils and absorbent media shall be stored under cover in a manner that protects the waste from exposure to precipitation or by a method that collects and manages all leachate generated.

(d) Contaminated soils and absorbent media shall be stored in accordance with applicable air and water quality rules and regulations.

(e) Prior to transfer, the generator shall comply with the testing requirements in Env-Wm 2603.07 to assure proper management of the contaminated soils or absorbent media as follows:

(1) If the contaminated soil or absorbent media is determined to be a hazardous waste, it shall be managed as a hazardous waste in accordance with all state rules and federal regulations for managing hazardous waste; and

(2) If the contaminated soil or absorbent media is determined to be non-hazardous, it shall be managed in accordance with the solid waste rules.

(f) Prior to receiving contaminated soils or absorbent media from off-site locations, a facility shall obtain documentation from the generator demonstrating compliance with (e) above.

(g) A facility that collects contaminated soils or absorbent media from off-site locations shall inspect the waste upon receipt and verify that the waste is the same waste as characterized by the generator in conformance with Env-Wm 2603.07.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91, EXPIRED: 7-1-97

New. #6619-B, eff 10-29-97

Env-Wm 2603.03 Processing and Treatment Requirements.

(a) Processing and treatment of contaminated soils and absorbent media shall comply with the requirements of Env-Wm 2200 and this section.

(b) A facility that processes or treats contaminated soils and media shall employ technologies demonstrated to successfully manage the specific contaminants present in the soil or media.

(c) A facility that processes or treats contaminated soils or absorbent media shall comply with the waste collection, storage and transfer requirements in Env-Wm 2603.02.

(d) Contaminated soils and absorbent media shall be processed or treated in compliance with applicable air and water quality rules and regulations.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91, EXPIRED: 7-1-97

New. #6619-B, eff 10-29-97

Env-Wm 2603.04 Disposal Requirements.

(a) The disposal of contaminated soils and absorbent media shall occur only at authorized facilities.

(b) Prior to disposal, contaminated soils and absorbent media shall be tested in accordance with the requirements of Env-Wm 2603.07 and the receiving facility's permit.

(c) Contaminated soil and absorbent media from out-of-state shall not be disposed in a NH landfill if it fails the disposal criteria of its state of origin.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91, EXPIRED: 7-1-97

New. #6619-B, eff 10-29-97

Env-Wm 2603.05 Reuse Requirements and Limitations.

(a) Contaminated soils and media, if reused for purposes other than those provided in (b) and (c) below, shall not be distributed and used except in accordance with certification pursuant to Env-Wm 3200.

(b) Contaminated soil and absorbent media may be used as daily landfill cover at facilities permitted to dispose of the contaminated soil or absorbent media, provided that:

(1) When used at an unlined landfill, the contaminant concentrations shall neither exceed:

- a. The concentrations specified in Table 2600-1; nor
  - b. The concentrations calculated using the methods described in ASTM-E 1739-95 entitled "Guide to Risk based Corrective Action Applied to Petroleum Release Sites," dated November 1995, for all constituents listed in Table 2600-1 and all other contaminants reasonably thought to be present based on generator knowledge and history of the site of generation;
- (2) The material shall meet the requirements for alternative daily cover specified in Env-Wm 2506.03; and
- (3) The material shall not be stored or otherwise placed outside the active footprint of the facility.
- (c) Contaminated soil and absorbent media may be used as unspecified fill material to achieve final grades prior to closure at unlined landfills provided the contaminant levels in the material shall be below the levels specified in (b)(1) above.
- (d) Contaminated soil, if distributed and used as soil for purposes other than those provided in (b) and (c) above, shall be certified for distribution and use pursuant to Env-Wm 3200 based on the following:
- (1) The concentration of contaminants in the soil shall be no greater than the concentrations specified in (b)(1) above, except:
    - a. Heavy metals shall not exceed the concentrations specified in Env-Ws 800; and
    - b. The concentration of total petroleum hydrocarbons in the soil shall be less than 100 parts per million;
  - (2) The soil shall not be distributed or used in any:
    - a. Residential applications;
    - b. Playground applications;
    - c. Fill in a 100-year floodplain or wetland;
    - d. Application to land used for the production of crops for direct human consumption;
    - e. Application within a recharge area of any sole source drinking water supply; or
    - f. Within 100 feet from any surface water; and
  - (3) The distributor shall comply with the product disclosure requirements in Env-Wm 3202.04 and the recordkeeping requirements in Env-Wm 2205.07(f).

Table 2600-1

Maximum Contaminant Concentrations	
Regulated Contaminant	Standard
Acenaphthene	1,000 mg/kg
Acenaphthylene	1,000 mg/kg
Anthracene	1,000 mg/kg
Benzene	0.3 mg/kg

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Benzo(a)anthracene	0.7 mg/kg
Benzo(a)pyrene	0.7 mg/kg
Benzo(b)fluoranthene	7 mg/kg
Benzo(k)fluoranthene	7 mg/kg
Cadmium	32 mg/kg
Chromium (III)	1,000 mg/kg
Chromium (VI)	170 mg/kg
Chrysene	70 mg/kg
Dibenzo(a,h)anthracene	0.7 mg/kg
Dichloroethane, 1,2-	0.09 mg/kg
Ethylbenzene	90 mg/kg
Fluoranthene	810 mg/kg
Fluorene	510 mg/kg
Indeno(1,2,3-cd)pyrene	0.7 mg/kg
Isopropylbenzene	23 mg/kg
Lead	400 mg/kg
Mercury (inorganic)	4 mg/kg
Methylnaphthalene, 2-	150 mg/kg
Methyl-t-butyl ether	3 mg/kg
Naphthalene	3 mg/kg
Nickel	1,000 mg/kg
Selenium	270 mg/kg
Silver	170 mg/kg
Toluene	100 mg/kg
Xylene	810 mg/kg
Zinc	1,000 mg/kg

Maximum Contaminant Concentrations	
Regulated Contaminant	Standard
Alkylbenzenes Butylbenzene, n- Butylbenzene, sec- Butylbenzene, tert- Isopropyl toluene, 4- Propylbenzene, n- Trimethylbenzene, 1,2,4- Trimethylbenzene, 1,3,5-	Total 61 mg/kg
Total Petroleum Hydrocarbons	10,000 mg/kg

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91, EXPIRED: 7-1-97

New. #6619-B, eff 10-29-97

Env-Wm 2603.06 Transportation Requirements.

- (a) Contaminated soil and absorbent media shall be transported using a standard bill of lading.
- (b) Contaminated soil and absorbent media shall be transported in a manner which shall prevent dispersion of the waste to the air, ground or waterways.
- (c) Contaminated soil and absorbent media shall not be transported from the site of generation prior to completing a hazardous waste determination pursuant to Env-Wm 502.

Source. #6619-B, eff 10-29-97

Env-Wm 2603.07 Testing and Reporting Requirements.

- (a) The generator of contaminated soil or absorbent media shall comply with the hazardous waste determination requirements in Env-Wm 502 and the other testing requirements in Env-Ws 412, as applicable, prior to transferring the waste off-site if generated in New Hampshire or prior to transporting into New Hampshire if generated out-of-state.
- (b) The generator shall produce records of testing pursuant to (a) above for inspection by the department pursuant to Env-Wm 3700.

Source. #6619-B, eff 10-29-97

**PART Env-Wm 2604 INFECTIOUS WASTE**

Env-Wm 2604.01 Applicability.

(a) The rules in this part shall apply, as specified in Env-Wm 101.02(c), to management of infectious waste and treated infectious waste which is not ash residue, from the point of origin to the point of final disposal, including the following:

- (1) Cultures and stocks of infectious agents and associated biologicals, including:
  - a. Cultures and stocks of infectious agents from research and industrial laboratories;
  - b. Wastes from the production of biologicals, discarded live and attenuated vaccines; and
  - c. Culture dishes and devices used to transfer, inoculate and mix cultures;
- (2) Pathological wastes, including tissues, organs, and body parts that were removed during surgery or autopsy;
- (3) Waste human blood and products of blood, including:
  - a. Serum, plasma and other blood components;
  - b. Containers contaminated with a. above which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals; and
  - c. Items saturated and/or dripping with human blood or items that were saturated and/or dripping with human blood that are now caked with dried human blood or blood components;
- (4) Sharps that have been used in human or animal patient care or in medical, research, or industrial laboratories, including hypodermic needles, syringes, pasteur pipettes, broken glass and scalpel blades;



- (5) Contaminated animal carcasses, body parts, and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals;
- (6) Wastes from human or animal patient care, surgery or autopsy that were in contact with infectious agents, including soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads, and surgical gloves;
- (7) Laboratory wastes from medical, pathological, pharmaceutical, or other research, commercial or industrial laboratories that were in contact with infectious agents, including slides and cover slips, disposable gloves, laboratory coats, and aprons;
- (8) Dialysis wastes that were in contact with the blood of patients undergoing hemodialysis, including contaminated disposable equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons, and laboratory coats;
- (9) Discarded medical equipment and parts that were in contact with infectious agents;
- (10) Biological waste and discarded materials contaminated with blood, excretion, exudates or secretion from humans or animals who are isolated to protect others from communicable diseases;
- (11) Any discarded preparations made from genetically altered living organisms and their products; and
- (12) Such other waste material that results from the administration of medical care to a patient whether human or animal by a health care provider and is found by the director in consultation with the division of public health services or state veterinarian to pose a threat to human health or the environment due to its infectious nature.

(b) The rules in this part shall not apply to the following types of waste:

- (1) Gloves, gowns, underpads or any other materials that come in contact with patients, but not saturated with blood, body fluids or secretions, through routine examination or patient care;
- (2) Animal carcasses not included in (a)(5) above; and
- (3) Household infectious waste, provided that:
  - a. Sharps shall be enclosed inside rigid, puncture-resistant containers;
  - b. Containers encasing sharps shall be sealed and labeled "not for recycling"; and
  - c. The waste shall be disposed at an authorized facility only.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2604.02 Collection, Storage and Transfer Requirements.

- (a) Collection, storage and transfer of infectious waste shall comply with the requirements of Env-Wm 2100 and this section.
- (b) The waste shall be stored in a pre-designated location, protected from water, rain and wind.

(c) Storage containers and packaging shall be labeled conspicuously in a legible manner with the words "infectious waste," or "biohazard waste," or with the universal biohazard symbol.

(d) Waste stored at generator facilities shall be maintained in a nonputrescent state, using refrigeration when necessary.

(e) Waste shall not be stored at room temperatures in excess of 72 hours.

(f) Outdoor storage areas containing the waste, such as dumpsters, sheds, tractor trailers, or other storage areas, shall be locked to prevent unauthorized access.

(g) Access to on-site storage areas shall be limited to authorized persons.

(h) The waste shall be stored in a manner that shall provide protection from animals and shall not provide a breeding place or a food source for insects or rodents.

(i) Storage containers and packaging shall be of sufficient structural integrity to ensure that the waste shall not be released to the environment during storage.

(j) The contents of damaged or ruptured containers shall be re-packaged.

(k) Infectious waste shall be transferred by the generator to authorized facilities only.

(l) Facilities which receive infectious waste from off-site generators shall not store the waste in excess of 7 days from date of receipt.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5297, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2604.03 Processing and Treatment Requirements.

(a) Except as noted in Env-Wm 2604.08, the generator of infectious waste shall assure that the waste is treated at an authorized facility to achieve high-level disinfection plus a 4 log 10 reduction of *Bacillus subtilis* or *Bacillus stearothermophilus*.

(b) Facilities that process or treat infectious waste in New Hampshire, including generator facilities, shall meet the requirements of (a) above in conformance with: requirements of Env-Wm 2200 and the following:

(1) Env-Wm 2200;

(2) All infectious waste managed by the facility shall be collected and stored as specified in Env-Wm 2604.02, pending treatment in accordance with (a) above;

(3) If the facility processes or treats infectious waste by methods other than incineration, the efficacy of the processing or treatment method shall be demonstrated by testing as specified in Env-Wm 2604.07; and

(4) If the facility is an incinerator that treats the infectious waste by combustion, the facility shall meet the requirements of Env-Wm 2400.

(c) Infectious waste treated under (a) above shall not be combined or mixed with other waste prior to disposal, unless authorized by the receiving disposal facility.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; amd by #5297, eff 12-24-91; ss by #6619-B, eff 10-29-97

Env-Wm 2604.04 Disposal Requirements.

- (a) Infectious waste shall not be landfilled in New Hampshire unless treated to achieve the standard specified in Env-Wm 2604.03(a).
- (b) Treated infectious waste shall be disposed at authorized facilities only.
- (c) Notification shall be given by the transporter to the receiving facility prior to the disposal of treated infectious waste.
- (d) Liquid infectious waste may be disposed via a sanitary sewer, subject to the provisions of local sewer ordinances and regulations, only if the receiving wastewater treatment facility includes secondary treatment.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2604.05 Reuse Requirements and Limitations.

- (a) Infectious waste shall not be reused or certified for distribution and use pursuant to Env-Wm 3200, except as provided in (b) below.
- (b) Materials or equipment contaminated with infectious waste, for example surgical equipment, maintenance carts, bedding, waste containers and the like, may be salvaged and reused in-kind pursuant to Env-Wm 3203.04, subject to the following requirements:
  - (1) If reused within the generating facility, the materials and equipment shall be cleaned and disinfected prior to reuse to achieve the standards for disinfection prescribed by the facility's internal management protocol; and
  - (2) If sent off-site for reuse, the materials and equipment shall be cleaned and disinfected prior to leaving the generating facility to achieve at least the level of treatment specified in Env-Wm 2604.03(a).

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2604.06 Transportation, Packaging and Labeling Requirements.

- (a) Infectious waste transported off-site for treatment prior to disposal shall be transported in conformance with the United States department of transportation hazardous materials regulations as provided in 49 CFR 171-180 or as specified in (b) below.
- (b) The transportation of infectious waste not subject to 49 CFR 171-180 shall be subject to the following:
  - (1) Sharps as described in Env-Wm 2604.01(a)(4) shall be segregated and encased inside rigid, puncture-resistant containers;

(2) Infectious waste and sharps containers shall be placed in a sealed nonpermeable 3 mil polyethylene bag or equivalent, which is itself placed in a second bag of similar construction and sealed; and

(3) The outermost container or package shall be labeled with the following:

a. Clear markings indicating the contents which shall include the words "Infectious waste," or "Biohazard waste" or the universal biohazard symbol; and

b. The name, address and telephone number of the generator and transporter.

(c) Transporters shall notify the receiving facility prior to delivering infectious waste to a New Hampshire landfill.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97

Env-Wm 2604.07 Testing and Reporting Requirements. Facilities, including generator facilities, which treat infectious waste by methods other than incineration shall be subject to the following:

(a) Quality assurance/ quality control efficacy testing shall be performed during initial facility operations to verify facility operating procedures meet the requirements of Env-Wm 2604.03(a);

(b) Following verification as specified in (a) above, the facility shall perform quality assurance/quality control efficacy testing no less than 4 times yearly, to demonstrate compliance with Env-Wm 2604.03(a); and

(c) The facility shall maintain the records of quality assurance/quality control efficacy testing for a minimum of 3 years.

Source. #6619-B, eff 10-29-97

Env-Wm 2604.08 Other Requirements. Limbs and recognizable organs, excluding teeth and contiguous gum tissue, shall be disposed by incineration or interment.

Source. #6619-B, eff 10-29-97

## **PART Env-Wm 2605 TIRES**

Env-Wm 2605.01 Applicability. The rules in this part shall apply, as specified in Env-Wm 101.02(c), to the management of waste or scrap tires, from the point of waste origination to the point of waste disposal.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91, EXPIRED: 7-1-97

New. #6619-B, eff 10-29-97

Env-Wm 2605.02 Collection, Storage and Transfer Requirements.

(a) Tires shall be collected, stored and transferred in accordance with the requirements of Env-Wm 2100 and this section.

(b) Outdoor storage of tires shall be in:

(1) Covered trailers;

(2) Transfer containers; or

(3) In stockpiles as follows:

- a. The diameter of the piles shall not exceed 25 feet;
- b. The height of the piles shall not exceed 15 feet;
- c. Fire lanes no less than 25 feet in width shall be maintained around each pile;
- d. Each pile shall have a berm with a minimum height of 12 inches constructed around its perimeter capable of containing any pyrolitic oils or other liquids generated by fire; and
- e. The stockpiling facility shall have equipment, cover material and other supplies, including water, sufficient to control a fire until the nearest fire company capable of extinguishing the fire arrives.

(c) Indoor storage shall be in conformance with the Standard for Storage of Rubber Tires, N.F.P.A. 231D, 1994 edition, as adopted by the National Fire Protection Association.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91, EXPIRED: 7-1-97

New. #6619-B, eff 10-29-97

#### Env-Wm 2605.03 Processing and Treatment Requirements.

(a) Chipping, shredding and other physical processing of tires shall comply with the requirements in Env-Wm 2200 and this section.

(b) Collection and storage of tires by facilities that process or treat tires shall conform to the requirements of Env-Wm 2605.02.

(c) Processing of tires shall be done in a manner to limit noise, odor and fugitive dust emissions to the greatest extent possible.

Source. #6619-B, eff 10-29-97

#### Env-Wm 2605.04 Disposal Requirements.

(a) Waste tires shall be disposed at authorized facilities only.

(b) Tires shall be landfilled only in a manner that shall preclude movement of the tires after burial, such as by shredding, splitting or quartering the tires prior to landfilling or by filling the tires during landfilling.

Source. #6619-B, eff 10-29-97

#### Env-Wm 2605.05 Reuse Requirements and Limitations.

(a) Waste tires, if reused, shall be certified for distribution and use in accordance with Env-Wm 3200.

(b) Tires shall not be certified for distribution and use if distribution and use shall:

- (1) Constitute a fire hazard;
- (2) Provide a habitat for breeding mosquito populations;