

**As of November 26, 2013, Env-Wq 1600 reads as follows:**

## CHAPTER Env-Wq 1600 SEPTAGE MANAGEMENT

Statutory Authority: RSA 485-A:4, XVI-a; RSA 485-A:6, X-a

## PART Env-Wq 1601 PURPOSE AND APPLICABILITY

Env-Wq 1601.01 Purpose. These rules implement RSA 485-A:4, XVI-a by establishing standards, criteria, and procedures for a permit system to manage the removal, transportation, and disposal of septage, including the processing and treatment thereof, in order to protect human health and the environment and to encourage beneficial reuse and recycling of septage with appropriate performance standards.

Env-Wq 1601.02 Applicability.

(a) These rules shall govern:

- (1) The processing, treatment, holding, storage, and disposal of septage;
- (2) The land application of septage and filtrate; and
- (3) The removal and transportation of septage.

(b) These rules shall not apply to any septage management activity incidental to the operation of a wastewater treatment facility for which a surface water discharge permit or a groundwater discharge permit has been issued by the department under RSA 485-A:13.

(c) Nothing in these rules shall be construed to modify or lessen the powers conferred upon local authorities by health and land use enabling statutes.

(d) Nothing in these rules shall be construed to eliminate the need to also comply with the federal regulations as specified in 40 CFR Part 503.

(e) Except for EQ certification requirements specified in Env-Wq 1613 and in Env-Wq 1614, these rules shall not apply to EQ solids or EQ filtrate.

Env-Wq 1601.03 Co-Disposal of Wastes. Hazardous waste as defined in RSA 147-A:2, VII and solid waste as defined in RSA 149-M:4, XXII, except for wood ash certified for use under Env-Sw 1700 and waste derived products certified for use under Env-Sw 1500, shall not be disposed or processed at a site or facility permitted by these rules.

## PART Env-Wq 1602 DEFINITIONS

Env-Wq 1602.01 “Abutter” means any person who owns property adjacent to, or across a road, railroad bed, stream, or river from the property on which a septage management activity will be conducted.

Env-Wq 1602.02 “Agronomic rate” means the septage application rate that is designed to:

(a) Provide the amount of nitrogen or other nutrient(s) needed by the agricultural crop or vegetation sufficient to prevent erosion;

(b) Minimize the amount of nitrogen or phosphorus that passes below the root zone of the agricultural crop or the vegetation to the groundwater or runs off to the surface water; and

(c) Increase the percent of organic matter in the top 6 inches of soil sufficient to establish a perennial vegetative cover.

Env-Wq 1602.03 “Ambient groundwater quality standards” means “ambient groundwater quality standards” as defined in RSA 485-C:2, I, as reprinted in Appendix C.

Env-Wq 1602.04 “Applicant” means any person who applies to the department for a permit.

Env-Wq 1602.05 “Beneficial use” means taking advantage of the nutrient content and soil conditioning properties, or both, of septage or filtrate by supplying agronomic and soil conditioning benefits such as the nitrogen, phosphorus, micronutrients, or organic matter needs for a crop, forested land, or a nursery. Beneficial use includes land application at agronomic rates.

Env-Wq 1602.06 “Closure” means the procedures used to cease the use of a facility, or a portion thereof, in a manner that will minimize future risks to public health or the environment and includes all required post-closure inspection, monitoring, and maintenance activities.

Env-Wq 1602.07 “CFR” means the code of Federal Regulations published by the Office of the Federal Register National Archives and Records Administration.

Env-Wq 1602.08 “Conventional system” means a septage treatment system regulated under Env-Wq 1600 that is not innovative/alternative waste treatment or research and development.

Env-Wq 1602.09 “Council” means the water council established by RSA 21-O:7.

Env-Wq 1602.10 “Department” means the department of environmental services.

Env-Wq 1602.11 “Disposal” means the final discharge, deposit, injection, or dumping, spilling, leaking, incinerating, or placing of septage into or onto any land so that such septage or any constituent thereof may enter the environment, be emitted into the air, or be discharged into any surface water or groundwater. Disposal includes any placement of septage onto land in excess of agronomic rates as determined pursuant to Env-Wq 1608.08(i).

Env-Wq 1602.12 “Domestic septage” means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial or industrial wastewater and does not include grease removed from a grease trap.

Env-Wq 1602.13 “Enclosed facility” means a facility located within a permanent structure which has provisions for odor containment and treatment using means such as a biofilter, and having no outside processing units except for closed storage containers for septage or septage solids.

Env-Wq 1602.14 “Exceptional quality (EQ)” means a designation of solids or filtrate derived from septage which indicates that the solids or filtrate:

- (a) Meets pathogen reduction requirements under 40 CFR part 503.32(a)(3), 503.32(a)(4), 503.32(a)(5), 503.32(a)(6), 503.32(a)(7), or 503.32(a)(8);
- (b) Meets one of the vector attraction reduction requirements of 40 CFR part 503.33(b)(1) through (b)(8);
- (c) Has a density of fecal coliform of less than 1,000 Most Probable Number (MPN) per 4 grams dryweight for solids or a density of fecal coliform of less than 2.2 colonies per 100 ml for filtrate; and
- (d) Meets the metals requirements of Env-Wq 1613.03(c) and (d).

Env-Wq 1602.15 “Facility” means a location or system for the processing, treatment, or disposal of septage, other than land application. Facilities include, but are not limited to, lagoons, septage treatment

facilities, and innovative/alternative waste treatment or research and development facilities. Facilities do not include septage holding or transfer/storage tanks.

Env-Wq 1602.16 “Filtrate” means a fluid derived from the dewatering of domestic septage, which no longer has the chemical or biological characteristics of raw septage.

Env-Wq 1602.17 “Footprint” means the area of a site or facility in which septage management activity actually occurs.

Env-Wq 1602.18 “Generator” means the person who holds title to the septage treatment facility that produced septage solids or filtrate or both.

Env-Wq 1602.19 “Governing body” means “governing body” as defined in RSA 21:48, as reprinted in Appendix C.

Env-Wq 1602.20 “Hauler” means any person engaged in the removal or transportation of septage.

Env-Wq 1602.21 “Hold” or “holding” means the consolidation of up to 20,000 gallons of septage by a single hauler for later removal to a site, facility, or transfer/storage area.

Env-Wq 1602.22 “Innovative/alternative waste treatment (I/A)” means “innovative/alternative waste treatment” as defined in RSA 485-A:2, XXI, as reprinted in Appendix C.

Env-Wq 1602.23 “Lagoon” means a pit or excavation designed to receive septage.

Env-Wq 1602.24 “Land application” means the placement of domestic septage on the ground surface at agronomic rates for beneficial use, whether or not the material is incorporated or injected into the surface soil.

Env-Wq 1602.25 “Locally-accessible place” means a location in the town or city where the septage management activity is proposed that is open to the public. The term include(s) the town or city hall, a public school building, selectmen’s office, or public library.

Env-Wq 1602.26 “Management” or “manage” means the practice of supervising, controlling, or undertaking any septage activity regulated under these rules.

Env-Wq 1602.27 “Modify” means change to any aspect of the operation or any process at a septage site or facility in a manner that has the potential to impact groundwater or the environment.

Env-Wq 1602.28 “Operator” means the person responsible for managing the septage activity at a site, facility, or transfer location.

Env-Wq 1602.29 “Owner” means the person who holds title to the land on which septage is managed or is proposed to be managed.

Env-Wq 1602.30 “Permit” means the written document issued by the department which authorizes the holder to manage the site or facility or to use the identified tank and vehicle to remove, transport, land apply, store, transfer, or dispose of septage according to the terms of the document.

Env-Wq 1602.31 “Permit holder” means the person to whom a permit has been issued by the department.

Env-Wq 1602.32 “Person” means “person” as defined in RSA 485-A:2, IX, namely, “any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity.”

Env-Wq 1602.33 “Poorly drained” means a type of soil where water is removed so slowly that the soil is wet at shallow depths periodically during the growing season or remains wet for long periods. The occurrence of internal free water is shallow or very shallow and common or persistent. Free water is commonly at or near the surface long enough during the growing season so that most mesophytic crops cannot be grown, unless the soil is artificially drained, but the soil is not continuously wet directly below plow depth.

Env-Wq 1602.34 “Processing” means any activity intended to reduce the volume of septage or alter its chemical, biological, or physical state other than pH adjustment of septage for odor control or pathogen reduction, screening to remove plastics and other foreign objects prior to land application, and dewatering of septage at its source.

Env-Wq 1602.35 “Research and development (R&D)” means a scientific study involving the collection, transportation, transfer, processing, treatment, or disposal of septage that is:

- (a) Conducted by one or more investigators, qualified by reason of education and experience; and
- (b) Intended to further fundamental knowledge, evaluate processes or technologies, and generate and interpret data relative to septage management.

Env-Wq 1602.36 “Septage” means “septage” as defined by RSA 485-A:2,IX-a, namely “material removed from septic tanks, cesspools, holding tanks, or other sewage treatment storage units, excluding sewage sludge from public treatment works and industrial waste and any other sludge.” Septage includes solids and other material removed from septage lagoons, waste from portable toilet and Type III marine sanitation devices, and grease trap waste that has been co-mingled with wastewater. Septage does not include EQ solids or EQ filtrate.

Env-Wq 1602.37 “Septage treatment facility” means a processing facility or group of devices that treats or dewateres domestic or commercial septage through alteration of one or more of the physical, chemical, or biological qualities of the septage, and which dewateres and manages solids removed from the septage, provided however that a device that dewateres septage at the tank from which it is pumped and returns the filtrate to the tank is not a septage treatment facility.

Env-Wq 1602.38 “Site” means a contiguous land area owned by the same person on which septage is land applied, even if the land area is divided by a highway, rail bed, water body or boundary of a political subdivision.

Env-Wq 1602.39 “Stockpiling” means the stacking of septage solids having a solids content greater than 15% at a permitted site or facility.

Env-Wq 1602.40 “Storage” means the consolidation of more than 20,000 gallons of septage for later removal to a site or facility.

Env-Wq 1602.41 “Surface waters” means “surface waters of the state” as defined in RSA 485-A:2, XIV, namely “streams, lakes, ponds and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses and other bodies of water, natural or artificial.” Surface waters include rivers and wetlands but do not include non-tidal drainage ditches which were designed, built, and used to convey wastewater or stormwater. The term also does not include constructed wetlands, lagoons, and other treatment systems designed and built solely as wastewater or stormwater treatment systems.

Env-Wq 1602.42 “Transfer” means:

- (a) For purposes of land ownership, the conveyance of a fee simple interest in real estate; or
- (b) For purposes of permit ownership, a change in the ownership or operational control of a person holding a permit, or a change in an individual holding a permit, as follows:

- (1) For a partnership, a change in the majority of general partners;
- (2) For a corporation, the conveyance of all corporate assets or of a majority of voting shares to a new person;
- (3) For other organizations, a transfer of the control of the organization to a new person; and
- (4) For an individual, transfer of control to another person.

Env-Wq 1602.43 “Transfer/storage area” means a place where septage from more than one hauler is accumulated for collection and subsequent removal to a permitted site or facility without processing.

Env-Wq 1602.44 “Vector” means a carrier that is capable of transmitting a pathogen from one organism to another, including but not limited to flies and other insects, rodents, birds, and other vermin.

Env-Wq 1602.45 “Very poorly drained” means a type of soil where water is removed from the soil so slowly that free water remains at or very near the ground surface during much of the growing season. The occurrence of internal free water is very shallow and persistent or permanent. Unless the soil is artificially drained, most mesophytic crops cannot be grown. The soils are commonly level or depressed and frequently ponded. If rainfall is high or nearly continuous, slope gradients could be greater.

Env-Wq 1602.46 “Wastewater treatment facility” means a processing facility or group of devices provided for the treatment of domestic, commercial, or industrial wastewater, or the treatment of septage.

#### PART Env-Wq 1603 PERMIT, CERTIFICATION, AND PERMIT-BY-NOTIFICATION REQUIREMENTS; APPLICATION PROCESSING

##### Env-Wq 1603.01 Permit, Certification, or Permit-by-Notification Required.

(a) No person shall manage or dispose of septage at any place in New Hampshire, excluding transport, which does not have at least one of the following:

- (1) A site, facility, or transfer/storage permit or septage tank holding permit-by-notification issued in accordance with Env-Wq 1600;
- (2) A wastewater treatment plant permit or groundwater discharge permit issued under RSA 485-A:13;
- (3) A solid waste facility permit issued under RSA 149-M; or
- (4) A groundwater release detection permit or a groundwater management permit issued under RSA 485-C.

(b) Subject to Env-Wq 1603.02(d), a septage hauler permit as specified in Env-Wq 1603.03 and Env-Wq 1605 shall be obtained prior to transporting any of the following over public roads:

- (1) Septage;
- (2) Grease which has been co-mingled with wastewater;
- (3) Portable toilet waste; or
- (4) Marine sanitation waste.

(c) A site permit as specified in Env-Wq 1608 shall be obtained prior to initiating the land application of septage that does not possess a valid EQ certification.

(d) Except as provided in Env-Wq 1603.02, a facility permit as specified in Env-Wq 1609 shall be obtained prior to initiating:

- (1) The processing, treatment, or disposal of septage;
- (2) Any septage dewatering operation where the resultant septage, filtrate or solids are to be used or disposed on-site;
- (3) The construction, operation, and closure of septage lagoons;
- (4) The construction, operation, and closure of storage and stockpiling lagoons and unsealed transfer/storage tanks; or
- (5) Construction and operation of a septage treatment facility not meeting the requirements of an I/A facility as specified in Env-Wq 1611 or an R&D facility as specified in Env-Wq 1612.

(e) A permit-by-notification as specified in Env-Wq 1606.02 shall be obtained prior to holding septage in a septage holding tank.

(f) A transfer/storage permit as specified in Env-Wq 1606.08 shall be obtained prior to the siting and use of a transfer/storage area.

(g) A certification as specified in Env-Wq 1603.04 and Env-Wq 1613 shall be obtained prior to land application of EQ solids or EQ filtrate.

Env-Wq 1603.02 Permit Not Required. A permit shall not be required for:

(a) Alkaline stabilization of septage within a permitted septage hauling vehicle or at a site permitted for septage land application;

(b) Screening of septage at a site permitted for septage land application;

(c) Dewatering of septage at its source where the filtrate is returned to the septic tank and the solids are removed off site;

(d) The following septage hauling activities:

(1) The interstate transportation of any septage which is not generated, processed, transferred, stored, used, or disposed of in New Hampshire;

(2) The transportation of EQ solids or EQ filtrate;

(3) The transportation of marine sanitation waste on public roads within a trailered boat or the transportation of portable toilet waste in a recreational vehicle; or

(e) The land application of EQ solids or EQ filtrate.

Env-Wq 1603.03 Septage Hauler Requirements. In addition to meeting the requirements of Env-Wq 1605, no person shall transport septage or other materials listed in Env-Wq 1603.01(b) on public roads without:

(a) First obtaining a septage hauler permit from the department; and

(b) Having either:

(1) At least one valid written agreement with a permitted disposal facility, land application site, or transfer/storage area; or

- (2) A written contractual agreement with another hauler who has a valid written agreement with a disposal facility approved by the department.

Env-Wq 1603.04 EQ Solids and EQ Filtrate Certification.

(a) Subject to (b), below, no person shall land apply, distribute for land application, sell, or give away any septage solids or filtrate from any generator that does not possess a valid EQ solids or EQ filtrate certification pursuant to Env-Wq 1613.

(b) EQ certification shall not be required for septage solids or filtrate which:

- (1) Is not land applied for beneficial reuse; or
- (2) Is land applied according to the criteria in Env-Wq 1608.09.

Env-Wq 1603.05 Application Content. The content of an application shall be as follows:

- (a) For a hauler permit, as specified in Env-Wq 1605.01;
- (b) For a holding tank permit-by-notification, as specified in Env-Wq 1606.02;
- (c) For a transfer/storage permit, as specified in Env-Wq 1606.08;
- (d) For a site permit, as specified in Env-Wq 1608.01;
- (e) For a facility permit, as specified in Env-Wq 1609.01;
- (f) For an I/A facility permit, as specified in Env-Wq 1611.02;
- (g) For an R&D permit, as specified in Env-Wq 1612.03; and
- (h) For an EQ certification, as specified in Env-Wq 1613.01.

Env-Wq 1603.06 Application Review and Notice of Comment Period.

(a) The department shall determine whether the application is complete within 30 days of receipt of an application for:

- (1) Any of the permits or certifications listed in Env-Wq 1603.05(a) through (h); or
- (2) A permit renewal or modification pursuant to Env-Wq 1603.12.

(b) Upon determination by the department that an application is not complete, the department shall provide written notice to the applicant which:

- (1) Identifies the deficiencies that caused the application to be deemed incomplete;
- (2) Requests that the applicant provide the information needed to complete the application; and
- (3) Informs the applicant that no further action will be taken on the application until complete information is received.

(c) Upon determination by the department that an application is complete, the department shall provide notice in accordance with (d) and (f), below.

(d) The department shall provide written, or if requested pursuant to (e), below, electronic notice of completeness to:

- (1) The applicant and the governing body of the municipality(ies) which received notice pursuant to Env-Wq 1604.01(b)(1); and
- (2) For projects within one-quarter mile of the normal high water mark of designated rivers pursuant to RSA 483:15:
  - a. The department's rivers coordinator established pursuant to RSA 483:3; and
  - b. The chairman of the applicable local river management advisory committee established pursuant to RSA 483:8-a.
- (e) Any person who wishes to receive electronic notice of completeness from the department in lieu of written notice shall so notify the department by e-mail at [sludgeandseptage@des.state.nh.us](mailto:sludgeandseptage@des.state.nh.us).
- (f) For permits listed in Env-Wq 1603.05(c) through (g), the department shall publish a notice as specified in (g) and (h), below, of a 30 day comment period for the pending application in a newspaper of local circulation.
- (g) The newspaper notice shall contain the following information:
  - (1) The name and mailing address of the applicant;
  - (2) The locally-accessible place where the application can be reviewed;
  - (3) The name, address, and telephone number of the person in the department receiving comments;
  - (4) The type of activity to be conducted if the application is approved;
  - (5) The proposed location of the site or facility, if applicable;
  - (6) The name of the owner of the property on which the activity will be located, if applicable; and
  - (7) The deadline for receipt by the department of written comments or petitions to conduct a public hearing, as provided in Env-Wq 1603.07.
- (h) As indicated in the published notice, all comments shall be limited in scope to information regarding completeness of the application and any information regarding the applicant's compliance with all applicable Env-Wq 1600 rules.

Env-Wq 1603.07 Opportunity for Public Hearing; Conduct of Hearing.

- (a) Upon receipt of a petition for a public hearing signed by at least 10 owners of property in the community where the activity is proposed to occur, the department shall schedule a public hearing in the municipality in which the activity is proposed to occur.
- (b) The department shall publish notice of the hearing in the same newspaper in which the notice of the comment period was published.
- (c) The newspaper notice shall contain the following information:
  - (1) The name and mailing address of the applicant;
  - (2) The location, date, and time of the public hearing;
  - (3) The locally-accessible place where the application can be reviewed;



- (4) The name, address, and telephone number of the individual in the department receiving comments;
  - (5) The type of activity to be conducted;
  - (6) The proposed location of the site or facility;
  - (7) The name of the owner of the property on which the activity will occur, if other than the applicant; and
  - (8) The deadline for submittal of written comment after the hearing, which shall be 10 days from the date of the hearing.
- (d) At the hearing, the applicant shall:
- (1) Make available 3 copies of the application, site plan, management plan, and if applicable, the facility plan, the groundwater monitoring plan, and the closure plan for the public to review;
  - (2) Make a presentation to the public, summarizing all the information required in the application, the site plan, the management plan, and, if applicable, the facility plan, the groundwater monitoring plan, and the closure plan; and
  - (3) Respond to questions concerning the proposed septage management activity.
- (e) At the hearing, the department shall receive public comment on the application, including information as to its accuracy and completeness.

Env-Wq 1603.08 Decision on Application.

- (a) Subject to (c) and (d), below, within 90 days of receipt of a complete application or, if a hearing is conducted pursuant to Env-Wq 1603.07, within 90 days of the hearing, the department shall approve or deny the application based on the criteria specified in:
- (1) Env-Wq 1603.12, for a permit modification;
  - (2) Env-Wq 1605.06, for a hauler permit;
  - (3) Env-Wq 1606.05, for a permit-by-notification for holding tanks;
  - (4) Env-Wq 1606.11, for a transfer/storage permit;
  - (5) Env-Wq 1608.06, for a site permit;
  - (6) Env-Wq 1609.06, for a facility permit;
  - (7) Env-Wq 1611.07 for a I/A permit; or
  - (8) Env-Wq 1613.03, for a EQ certification.
- (b) The department shall send written notice of its decision to the applicant and to the governing body of the municipality(ies) to which the notice was sent pursuant to Env-Wq 1604.01(b)(1).
- (c) Time spent waiting for the applicant to provide any requested information shall not be included when calculating the 90-day period in (a) above.
- (d) If the information submitted with the complete application is insufficient for the department to make a determination that the proposed activity will comply with the applicable requirements of RSA 485-A and these rules, the department shall request the person proposing to undertake the activity to provide such additional information as the department determines is necessary to make the determination.

(e) If any information requested pursuant to (d), above, is not submitted within 60 days of the department's request, the application shall be denied.

(f) If conditions or limitations are necessary to protect the environment or the health or safety of the public or of site or facility operators, the department shall include such conditions or limitations in the approval that is issued.

(g) If the application is denied, the department shall provide written notification to the applicant and, in the case of a permit modification or renewal, or a site, facility, transfer/storage permit, or holding tank permit-by-notification application, the municipality identified in Env-Wq 1604.01(b)(1), which:

- (1) Notes the appropriate sections of the rules and states the specific reasons for the denial; and
- (2) Informs the applicant that the decision may be appealed to the water council in accordance with RSA 21-O:7.

Env-Wq 1603.09 Suspension, Revocation, or Refusal to Renew.

(a) If the department determines, based on available scientific and valid information, that the permitted activity creates an imminent danger to public health or safety or the environment, the department shall suspend the permit in accordance with RSA 541-A: 30, III and the provisions of Env-C 200 applicable to adjudicative proceedings.

(b) After issuing a permit, permit-by-notification, an EQ certification, or a waiver, if the department receives information which indicates that good cause, as set forth in (g) below, exists to suspend or revoke the permit, registration, EQ certification, or waiver, the department shall commence an adjudicative proceeding to suspend or revoke the permit, permit-by-notification, EQ certification, or waiver in accordance with Env-C 200 and RSA 541-A.

(c) Based on the findings of the adjudicative proceeding, the department shall revoke the permit, permit-by-notification, EQ certification, or waiver if the department determines that the reason that good cause exists cannot be corrected to conform to applicable requirements.

(d) Based on the findings of the adjudicative proceeding, the department shall suspend the permit, permit-by-notification, EQ certification, or waiver, subject to (e) below, if the department determines that, while good cause exists, the reason that good cause exists can be corrected to conform to applicable requirements.

(e) If a permit, permit-by-notification, EQ certification, or waiver is suspended pursuant to (d) above, the department shall not reinstate the permit, permit-by-notification, EQ certification, or waiver until:

- (1) The reason for good cause has been corrected to conform with applicable requirements; and
- (2) The permit holder submits a written request to the department requesting that the permit, permit-by-notification, EQ certification, or waiver be reinstated.

(f) After receiving a request for renewal of a permit, permit-by-notification, EQ certification, or waiver, if the department receives information which indicates that good cause, as set forth in (g) below, exists to refuse to renew the permit, permit-by-notification, EQ certification, or waiver, the department shall proceed in accordance with Env-C 200 and refuse to renew the permit, permit-by-notification, EQ certification, or waiver until the reason for good cause has been corrected to conform with applicable requirements.

(g) Good cause to suspend, revoke, or refuse to issue or to renew a permit, permit-by-notification, EQ certification, or waiver shall include the following:

- (1) The holder of the permit, permit-by-notification, EQ certification, or waiver has not complied with the conditions of the permit, permit-by-notification, EQ certification, waiver or these rules;
  - (2) The plans submitted with the application or permit-by-notification do not accurately portray the actual site, facility, or management activities;
  - (3) Any other information submitted in support of the application is not true and complete or is misleading;
  - (4) The holder of the permit, permit-by-notification, EQ certification, or waiver has failed to comply with an order of the department relative to septage management, including an order to undertake corrective measures;
  - (5) The holder of the permit, permit-by-notification, EQ certification, or waiver has failed to comply with an order of the department relative to a violation of any other law implemented by the department;
  - (6) The holder of the permit or EQ certification has failed to submit an annual report in accordance with Env-Wq 1605.12, Env-Wq 1606.14, Env-Wq 1608.15, Env-Wq 1609.13, Env-Wq 1611.14, Env-Wq 1612.07, or Env-Wq 1613.06, as applicable; or
  - (7) The holder of the permit, permit-by-notification, EQ certification, or waiver has failed to pay any fees or administrative fines owed to the department or any civil or criminal penalties owed to the State as a result of a violation of a law administered by the department.
- (h) The department shall inform the applicant that the decision to suspend, revoke, or refuse to renew may be appealed to the water council in accordance with RSA 21-O:7.

Env-Wq 1603.10 Permit Transfer.

- (a) A septage hauler permit or septage holding permit-by-notification shall be issued to the applicant for each tank identified in the application and shall not be sold, assigned, or otherwise transferred by the applicant to any other person or tank unless prior approval is obtained from the department in accordance with (c) and (d) below.
- (b) A site, facility, transfer/storage permit, permit-by-notification, EQ certification, or waiver shall be issued to the applicant and shall not be sold, assigned, or otherwise transferred by the holder of the permit, permit-by-notification, EQ certification, or waiver to any other person unless prior approval is obtained from the department in accordance with (c) and (d) below.
- (c) The person wishing to transfer a permit, permit-by-notification, EQ certification, or waiver shall submit to the department:
  - (1) A copy of the original application;
  - (2) A copy of the permit, permit-by-notification, EQ certification, or waiver;
  - (3) The name, mailing address, and daytime telephone number of the person(s) to whom the permit, permit-by-notification, EQ certification, or waiver is proposed to be transferred;
  - (4) A written explanation of any changes that are proposed to the permit, permit-by-notification, EQ certification, waiver, the site plan, the facility plan, or the management plan, as applicable; and
  - (5) A list of all changes that will require notification pursuant to Env-Wq 1603.12(e).

(d) The person to whom the permit, permit-by-notification, EQ certification, or waiver is proposed to be transferred shall submit a certification declaring whether the person has been convicted of a misdemeanor under any statute administered by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application.

(e) The department shall approve such transfer if:

(1) The holder of the permit, permit-by-notification, EQ certification, or waiver is in compliance with these rules and all applicable conditions of the permit, permit-by-notification, EQ certification, or waiver;

(2) Any outstanding violations will be corrected prior to or as a result of the transfer;

(3) Any proposed changes are in compliance with these rules and all applicable conditions of the permit, permit-by-notification, EQ certification, or waiver;

(4) Good cause as defined by Env-Wq 1603.09(g) to suspend, revoke, or refuse to renew the permit, permit-by-notification, EQ certification, or waiver does not exist, unless the reason that good cause exists can be corrected prior to or as a result of the transfer of the permit, permit-by-notification, EQ certification, or waiver; and

(5) The person to whom the permit, permit-by-notification, EQ certification, or waiver is proposed to be transferred has not been convicted of a misdemeanor under any statute administered by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application.

#### Env-Wq 1603.11 Transfer of Land Ownership.

(a) If land that has a permit, permit-by-notification, or waiver associated with it is transferred to a new owner independently of the septage management activity itself, then the holder of the permit, permit-by-notification, or waiver shall notify the department within 10 days of the transfer and shall suspend all activities covered by the permit, permit-by-notification, or waiver until the statement described in (c) below is signed by the new owner and is received by the department.

(b) If a signed statement as described in (c) below does not accompany the notice of land transfer, then upon receipt of the notice the department shall commence a proceeding under Env-C 200 to revoke the permit, permit-by-notification, or waiver. If the holder of the permit, permit-by-notification, or waiver obtains and submits the signed statement, the proceeding shall be terminated.

(c) The new owner shall provide a statement that:

(1) The new owner is aware that the septage management activity that is subject to a permit, permit-by-notification, or waiver exists on the land;

(2) The new owner agrees to the continued operation of the septage management activity; and

(3) The new owner has given permission to the holder of the permit, permit-by-notification, or waiver to enter upon the land for purposes of investigation and operation of the activity, including the implementation of remedial measures, if ordered by the department.

(d) If the new owner chooses to discontinue the activities covered by the permit, permit-by-notification, or waiver, the holder of the permit, permit-by-notification, or waiver shall:

(1) Submit a written statement to the department and to the governing body of the municipality in which the property is located indicating that the activities have been discontinued;

- (2) Remove and properly dispose of any tank or other infrastructure specific to the activities that were subject to the permit, permit-by-notification, EQ certification, or waiver; and
- (3) If a facility, close the facility in accordance with the approved closure plan.

Env-Wq 1603.12 Modification and Renewal of a Permit or Permit-by-Notification.

- (a) If the department determines, based on all available scientific and valid information, that the permitted activity creates an imminent danger to public health or safety or the environment, the department shall modify or suspend the conditions of a permit without request by the permit holder pursuant to RSA 541-A:30, III and the provisions of Env-C 200 applicable to adjudicative proceedings.
  - (b) The permit holder shall apply to the department for approval to:
    - (1) Renew a site, facility, permit-by-notification, or transfer/storage permit; or
    - (2) Modify a site, or facility, permit-by-notification, or transfer/storage permit or any permitted management activity prior to implementing any changes.
  - (c) To apply for permit renewal or modification, the permit holder shall provide the following information to the department and to the governing body of the municipality in which the site or facility is located:
    - (1) The permit number;
    - (2) The name, mailing address, and daytime telephone number of the permit holder, owner, operator, and haulers using the site, facility, or transfer/storage area;
    - (3) A detailed description of all proposed modifications, if any;
    - (4) Revised site, management, or groundwater monitoring plans, highlighting the proposed changes, if any;
    - (5) If applicable, revised facility plans and specifications for construction and closure stamped by a New Hampshire registered professional engineer;
    - (6) An explanation of why the proposed change(s) is necessary or desirable;
    - (7) The effect of the permit renewal or modification on the capacity or life expectancy of the site or transfer/storage area;
    - (8) The identification and status of all other federal or state permits or approvals necessary to effect the proposed modifications(s);
    - (9) The permit holder's proposed schedule for implementing such changes;
    - (10) A list and status of any outstanding violations, accompanied by a statement from the permit holder indicating how full compliance shall be attained prior to approval of the renewal or modification; and
    - (11) For renewals or modifications in accordance with (e) below, certification that the notification requirements outlined in Env-Wq 1604.01(a), (b), (c), (d)(1) through (6), and (e) have been met, including a copy of the notice sent to abutters notifying them of the activity.
  - (d) The department shall approve the modification or renewal if it determines that:
    - (1) All applicable requirements of these rules have been met;

- (2) If the applicant is other than the owner, the owner has given permission to the applicant for the modification or renewal;
- (3) All other state permits which are necessary for the proposed modification have been applied for;
- (4) Management of the septage at the site, facility, or transfer/storage area is in accordance with the proposed modification and will not violate any statutes or rules administered by the department;
- (5) The department can separate any groundwater impact resulting from the proposed modification from impacts resulting from the existing or previously permitted activity; and
- (6) The permit holder has paid all fees and administrative fines owed to the department and all civil or criminal penalties owed to the State as a result of a violation of a law administered by department.

(e) If the proposed permit modification or renewal increases the volume of septage being managed at the site, facility, or transfer/storage area by more than 25 percent from the volume specified in the original permit, the renewal or modification shall be processed in accordance with Env-Wq 1604 and Env-Wq 1603.06 unless the applicant can demonstrate that the increase will not impact the environment or abutters.

#### PART Env-Wq 1604 NOTIFICATION REQUIREMENTS

##### Env-Wq 1604.01 Notification Requirements for Permit Applications.

- (a) The applicant shall provide notice in accordance with this section upon filing an application with the department for a site, facility, or transfer/storage permit or holding tank permit-by-notification.
- (b) The notice shall be provided to:
  - (1) The governing body of the municipality in which the property on which the proposed septage management activity is to be located and the governing body of any adjacent municipality in which an abutter is located;
  - (2) All abutters to the property on which the septage management activity is proposed to be located as such abutters and their respective legal mailing addresses are identified in the municipal tax records as of 15 days prior to the date on which notice is provided; and
  - (3) All other land owners within 600 feet of the footprint on which the activity will occur, as such land owners and their respective mailing addresses are identified in the municipal tax records as of 15 days prior to the date on which notice is provided.
- (c) The notice shall be:
  - (1) In writing; and
  - (2) Delivered by one of the following methods:
    - a. Sent by certified mail, return receipt requested;
    - b. Delivered by hand, in which case a signed acknowledgment from the recipient that the notice was received shall be obtained; or
    - c. Sent by first class mail, in which case a certificate of mailing shall be obtained from the United States post office at which the notices were mailed.

(d) The notice shall contain the following information:

- (1) A statement that an application for a site, facility, or transfer/storage permit or holding tank permit-by-notification, as applicable, has been filed and the type of septage management activity regulated by Env-Wq 1600 that is proposed;
- (2) The location of the proposed septage management activity, including street address and municipality;
- (3) The names, mailing addresses, and daytime telephone numbers of:
  - a. The applicant;
  - b. The on-site operator, if other than the applicant;
  - c. The owner of the property on which the activity will occur, if different from the applicant; and
  - d. The lessee of the property on which the activity will occur, if the land is leased and the lessee is other than the applicant;
- (4) The estimated annual volume of septage, in gallons, to be received at the property;
- (5) The proposed dates of commencement and cessation of the activity;
- (6) The location of the locally-accessible place where the application and all supporting information, as required under Env-Wq 1608.01 for site permits, Env-Wq 1609.01 for facility permits, Env-Wq 1606.02 for holding tank permit-by-notification, and Env-Wq 1606.08 for transfer/storage permits are available for review; and
- (7) Except for a septage holding tank permit-by-notification, a statement that a 30-day comment period will be advertised by the department in a newspaper of local circulation once it has deemed the application to be complete.

(e) If a person to whom notice is required to be given cannot be located, fails or refuses to sign for the certified mail, or refuses to sign an acknowledgment when the notice is delivered in hand, the person giving the notice shall provide proof to the department that an attempt to deliver the notice was made, which proof shall be submitted to the department with the application in the form of an affidavit or a copy of the certified mail receipt.

Env-Wq 1604.02 Annual Notification Requirements for Land Application.

(a) A person who will be land applying septage shall provide notice in accordance with this section at least 14 days before the intended date of the first annual land application of septage.

(b) The notice shall:

- (1) Be published in a newspaper of general circulation in the municipality where the land application of septage will occur; and
- (2) Include the information required in Env-Wq 1604.01(d)(2), (3), (4), and (5).

(c) A copy of the published notice shall be:

- (1) Sent to the department at least 10 days before the intended date of the first annual application; and

- (2) Posted continually at the entrances to the site beginning no later than 3 days prior to the application and ending no earlier than 3 days after the application.

#### PART Env-Wq 1605 SEPTAGE HAULER PERMIT REQUIREMENTS

##### Env-Wq 1605.01 Septage Hauler Permit Application Requirements.

- (a) To apply for a septage hauler permit, the person seeking the permit shall submit:
- (1) The information specified in Env-Wq 1605.02; and
  - (2) The fee and certifications specified in (b) through (f), below.
- (b) Each application shall be accompanied by the fee specified in Env-Wq 1605.05.
- (c) Each application shall include a certification signed by the owner or authorized agent of each site, facility, or wastewater treatment facility to which the applicant proposes to transport septage, which:
- (1) Acknowledges the applicant's intent to beneficially use or dispose of septage at the site, facility, or wastewater treatment facility; and
  - (2) Authorizes the applicant to use the site, facility, or wastewater treatment facility for such activity.
- (d) Each application shall include a certification signed by the applicant that upon issuance of the septage hauler permit, the applicant shall assume complete responsibility for ensuring that all persons who will be transporting septage with the applicant's vehicle(s) are familiar with the requirements of these rules.
- (e) Each application shall include a certification signed by the applicant stating that all vehicles proposed to be used to transport septage will meet all applicable federal and state motor vehicle requirements when in use.
- (f) Each application shall include a certification signed by the applicant that the applicant has not been convicted of:
- (1) A misdemeanor under any statute administered by the department within the 5 years prior to the date of application; or
  - (2) A felony in any state or federal court during the 10 years prior to the date of application.

Env-Wq 1605.02 Septage Hauler Permit Application Form. Any applicant for a permit to remove or transport septage on public roads shall provide the following information on a form obtained from the department:

- (a) The name, mailing address, and daytime telephone number of the applicant;
- (b) If the applicant is other than an individual, the name, mailing address, and daytime telephone number of the individual who can be contacted regarding the application;
- (c) Any telephone numbers to be used in case of emergency;
- (d) The vehicle identification number, motor vehicle plate number and issuing state for the vehicle(s) which will be used to transport the tanks;
- (e) The tank identification number(s) and size of tanks in gallons, if applicable;



(f) The name, principal place of business, and telephone number of the septage hauler as they will appear on both sides of the vehicle or tank which will be used to transport the septage, unless the vehicle or tank is identified as a municipal vehicle in accordance with Env-Wq 1605.07(e);

(g) The location of each site, facility, transfer/storage area, and wastewater treatment facility to which septage is proposed to be taken;

(h) The date and location of the most recent department inspection of the tank(s) used to transport septage, if any; and

(i) If the application is for renewal of an existing permit, the permit number.

Env-Wq 1605.03 Expiration of Septage Hauler Permit. A septage hauler permit shall have a duration of 2 years or less and shall expire on January 31 of the odd-numbered year following the date of issuance.

Env-Wq 1605.04 Renewal of Septage Hauler Permit. Any person to whom a septage hauler permit has been issued who wishes to renew the permit shall submit the information required in Env-Wq 1605.02 to the department no less than 15 days prior to expiration of the permit.

Env-Wq 1605.05 Septage Hauler Permit Fee.

(a) Subject to (f), below, the applicant shall submit a nonrefundable fee in the amount of \$100 for each tank with each application for issuance or renewal of a septage hauler permit.

(b) If a hauler acquires a tank after a permit is issued, prior to placing the additional tank in service the hauler shall provide the information required by Env-Wq 1605.02 to the department along with the fee specified in (a) above for each tank to be added.

(c) Subject to (f), below, the applicant shall submit a fee in the amount of \$5 with the application for each tank needing a new or replacement plate.

(d) The fee, if paid by check or money order, shall be made payable to "Treasurer - State of NH."

(e) The fee shall not be prorated or refunded if the permit term established pursuant to Env-Wq 1605.03 is less than a full 2 years.

(f) Any political subdivision that transports its own septage shall be exempt from the fees specified above.

Env-Wq 1605.06 Criteria for Review. The department shall issue or renew, as applicable, a septage hauler permit for the tanks specified in the application if it determines that the following criteria have been met:

(a) The applicant has submitted all information and certifications as required by Env-Wq 1605.01(a);

(b) If the application is for renewal of an existing permit or if the applicant engages in other septage management activities in addition to transporting, the applicant is in compliance with all applicable requirements of these rules;

(c) All sites, facilities, and transfer/storage areas designated for receipt of the septage are permitted to receive, handle, manage, store, use, or otherwise dispose of septage;

(d) The applicant has not been convicted of a misdemeanor under any statute implemented by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application;

(e) The applicant has paid all fees and administrative fines owed to the department and all civil or criminal penalties owed to the State as a result of a violation of a law administered by the department; and

(f) All tanks used to transport septage have been inspected by the department within the previous 2 years and are in compliance with Env-Wq 1605.08.

Env-Wq 1605.07 Vehicle Identification.

(a) A copy of the septage hauler permit issued pursuant to Env-Wq 1605 shall be retained in the vehicle at all times.

(b) Each septage hauler shall display the hauler's name, principal place of business, and telephone number on both sides of the vehicle or tank used to transport septage, unless the vehicle or tank is identified as a municipal vehicle in accordance with (e), below.

(c) The information required by (b), above, shall be in permanent and legible lettering at least 3 inches high.

(d) The department shall issue a permit plate that shall be mounted on the rear of the transporting unit no closer than 12 inches to the motor vehicle registration plate.

(e) Municipal vehicles which bear the municipal seal on each side of the vehicle shall not need further identification.

Env-Wq 1605.08 Tank and Hose Maintenance. Any hauler who has been issued a permit pursuant to Env-Wq 1605 shall maintain all tanks and hoses used to pump and transport septage in accordance with the following:

(a) Each tank and hose shall be maintained so as not to create unreasonable malodors or a public health hazard;

(b) Each tank shall be watertight;

(c) All piping, valves, and connections shall be accessible and capable of being cleaned;

(d) All inlet and outlet connections and hose supports shall be constructed and maintained such that no material will leak, spill, or run out of the tank or hoses during transfer or transportation; and

(e) Discharge outlets shall be designed to control the flow of discharge without spraying or flooding the receiving area.

Env-Wq 1605.09 Transportation of Septage.

(a) All tanks shall be inspected by the hauler prior to transport on public roads to ensure that septage will not leak, spill, or run out of the tank or hoses.

(b) All vehicles used to transport the tanks shall be equipped, at all times, with spill control or absorbent materials and disinfectant materials such as lime, a bleach solution consisting of one part household bleach to 9 parts water, or equivalent, sufficient to treat a 25-gallon spill.

Env-Wq 1605.10 Adding or Replacing Vehicle. Whenever a permit holder obtains an additional or replacement vehicle for transporting the tank(s), the permit holder shall:

(a) Notify the department in writing within 10 days of using the vehicle to transport septage;

(b) Supply the vehicle identification number, motor vehicle plate number, and name of issuing state for the vehicle; and

(c) If a replacement vehicle, supply the permit number(s) for any tank(s) that will be transported by the vehicle.

Env-Wq 1605.11 Record Keeping.

(a) Each septage hauler shall maintain the following information in the vehicle used to transport the tank(s) whenever the vehicle is in transit to a site, facility, or wastewater treatment facility:

(1) The name, street address, including the municipality, and telephone number of each client from where the septage was transported;

(2) The volume of septage, in gallons, received from the client(s) identified pursuant to (1), above; and

(3) The site, facility, transfer/storage area, or wastewater treatment facility to which the septage is to be delivered.

(b) Every septage hauler shall maintain the following records of each load of septage transported:

(1) The date received or picked up;

(2) The name and address of the client(s) from whom the septage was received;

(3) The volume of the septage transported, in gallons;

(4) The site, facility, transfer/storage area, or wastewater treatment facility to which the load was discharged; and

(5) The date on which the load was discharged.

(c) The hauler shall retain the records for each permitted tank for a minimum of 5 years after the expiration of the permit to which they relate.

Env-Wq 1605.12 Reporting.

(a) Each hauler shall provide the information required by Env-Wq 1605.11(b) to the operator of the site, facility, transfer/storage area, or wastewater treatment facility to which the septage is delivered either:

(1) At the time the septage is delivered; or

(2) On a periodic basis agreed to by the hauler and the facility.

(b) Each hauler shall file an annual report with the department on a form provided by the department which contains the information specified in (c), below, no later than January 31 of each year.

(c) For each site, facility, transfer/storage area, or wastewater treatment facility at which septage was discharged, the report required by (b), above, shall contain a summary of the volume of septage, in gallons, disposed from each town where septage was pumped.

Env-Wq 1605.13 Accidental Release.

(a) In the event of an accidental release of septage, the driver of the vehicle and, if the driver is not the permitted hauler, the hauler shall:

- (1) Immediately take action to contain the septage, minimize the environmental impact, and begin clean-up procedures; and
- (2) Subject to (b) below, notify the department within 24 hours of the release with the following information:
  - a. The date, time, and location of the spill;
  - b. The volume of septage spilled and the volume of septage recovered, both in gallons;
  - c. The final disposition of the septage that was not recovered;
  - d. The hauler's permit number and the name and telephone number of the driver involved in the incident;
  - e. The approximate distance to surface waters and storm drains within 100 feet of the spill;
  - f. The actions taken to contain the spill, disinfect the spill area, minimize the environmental impact, and to clean up the area; and
  - g. Future actions necessary to clean up the spill, if applicable.
- (b) Notification to the department shall not be required if all of the following conditions are met:
  - (1) The discharge is less than 25 gallons;
  - (2) The discharge is immediately contained;
  - (3) The discharge is completely removed within 24 hours and disposed of at a facility identified in Env-Wq 1603.01(a); and
  - (4) There is no impact to groundwater or surface water.

#### PART Env-Wq 1606 SEPTAGE TANKS

Env-Wq 1606.01 Use of Septage Holding Tanks. A septage holding tank shall only be used by one hauler as temporary storage for septage:

- (a) When access to a permitted site, facility, or wastewater treatment facility is not immediately available and:
  - (1) The septage hauling vehicle is needed to service a client of the hauler;
  - (2) To accumulate septage to be land applied; or
  - (3) For pH adjustment of septage prior to land application;
- (b) When the holding tank is to be owned and used only by the holder of the permit-by-notification for the tank; or
- (c) When the aggregate amount to be stored in the tanks will be 20,000 gallons or less.

#### Env-Wq 1606.02 Septage Holding Tank Permit-by-Notification Requirements.

- (a) Subject to (c), below, any permitted hauler who wishes to install or use a septage holding tank shall apply for a permit-by-notification in accordance with Env-Wq 1606.01.
- (b) To apply for a septage holding tank permit-by-notification, the hauler shall submit:

- (1) The information required by Env-Wq 1606.03;
- (2) A spill response plan required by Env-Wq 1606.08(b)(1);
- (3) The plans and specifications required by Env-Wq 1606.15;
- (4) The design criteria required by Env-Wq 1606.16; and
- (5) The fee specified in Env-Wq 1606.04.

Env-Wq 1606.03 Permit-by-Notification Application.

(a) Any permitted hauler who wishes to install or use a septage holding tank shall submit the following information on a form obtained from the department:

- (1) The name, mailing address, and daytime telephone number of the applicant;
- (2) The name, mailing address, and telephone number of the applicant's business;
- (3) The hauler permit number;
- (4) The location of the proposed septage holding tank, including street address, tax map and lot number, and current deed reference;
- (5) The property owner's name, mailing address, and daytime telephone number; and
- (6) The capacity and age of the holding tank.

(b) If the hauler is not the property owner, the application shall include a written statement, signed by the property owner and notarized, that the property owner is aware that the information is being filed and has given permission to the registrant to install the septage holding tank and to enter upon the land for purposes of site investigation and construction and operation of the septage holding tank.

Env-Wq 1606.04 Permit-by-Notification Fee.

(a) Subject to (c), below, a nonrefundable fee in the amount of \$200 shall accompany each application for issuance, modification, or renewal of a septage holding tank permit-by-notification.

(b) If paid by check or money order, the fee shall be made payable to "Treasurer - State of NH".

(c) Any New Hampshire political subdivision shall be exempt from the fee specified in (a) above.

Env-Wq 1606.05 Permit-by-Notification Issuance. The department shall issue or renew a permit-by-notification for a septage holding tank if it determines that:

- (a) All applicable requirements of these rules have been met;
- (b) If the applicant is other than the property owner, the property owner has given permission to the applicant to file the application and to enter upon the property for purposes of site investigation and operation of the site in the event that the department issues the permit;
- (c) All other state permits, which are necessary for the operation of the site, have been applied for;
- (d) Management of septage at the site in accordance with the application does not violate any statutes or rules administered by the department;

(e) The applicant has not been convicted of a misdemeanor under any statute implemented by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application;

(f) The applicant has paid all fees and administrative, civil, or criminal penalties owed to the department; and

(g) The proposed holding tank will not adversely affect threatened or endangered species, classified groundwater protection areas, or any river or segment designated under RSA 483.

Env-Wq 1606.06 Expiration of a Permit-by-Notification for a Septage Holding Tank. A permit-by-notification for a septage holding tank shall expire 10 years from the date of issuance.

Env-Wq 1606.07 Renewal of a Permit-by-Notification. Any person to whom a permit-by-notification for a septage holding tank was issued who wishes to renew the permit-by-notification shall apply pursuant to Env-Wq 1606.02(b) and submit the fee required by Env-Wq 1606.04, as applicable, at least 15 days prior to expiration of the permit.

Env-Wq 1606.08 Transfer/Storage Tank Permit Requirements and Limitations.

- (a) To apply for a transfer/storage tank permit, the person seeking the permit shall submit:
- (1) The information specified in Env-Wq 1606.09;
  - (2) The fee specified in Env-Wq 1606.10; and
  - (3) The certifications specified in (c), below.
- (b) A transfer/storage tank permit shall be issued, pursuant to Env-Wq 1606.11, to an applicant for an individual operating site only, provided that the following requirements are met:
- (1) A spill response plan, describing spill response equipment and disinfection and containment capability at the septage storage tank location(s), shall be submitted to, and approved by the department pursuant to Env-Wq 1606.16(f);
  - (2) All septage transfer between hauler vehicles and storage tanks shall be by a watertight hose and connection;
  - (3) Odor controls shall be provided to minimize odor potential during transfer; and
  - (4) The property is owned by the applicant or the owner has granted permission to so use the property.
- (c) The applicant shall submit certification, signed by the applicant attesting to the following:
- (1) That the applicant has read and understands, and shall comply with all applicable requirements for the siting, design, construction, and operation of the septage storage tank(s) as identified in Env-Wq 1606.15 and Env-Wq 1606.16; and
  - (2) That the applicant meets all the requirements under Env-Wq 1605 if the applicant is a permitted hauler.
- (d) If the applicant is not the property owner, the application submitted pursuant to (a), above, shall be accompanied by a written statement, signed by the property owner, that the property owner is aware that the information is being filed and has given permission to the applicant to operate the storage tank(s) and to

enter upon the property for purposes of site investigation and placement and operation of the septage storage tank(s).

Env-Wq 1606.09 Transfer/Storage Tank Application. An applicant for a transfer/storage tank permit shall submit the following information on a form obtained from the department:

- (a) The hauler permit number for each hauler using the transfer/storage tank(s);
- (b) The street address, tax map and lot number, and current deed reference of the proposed location for the transfer/storage tank(s);
- (c) The name, mailing address, and daytime telephone number of the owner where the transfer/storage tank(s) are proposed to be located, if other than the applicant;
- (d) The capacity and age of the transfer/storage tank(s);
- (e) The name of the operator and telephone number where the operator can be reached during operating hours;
- (f) The proposed hours of operation;
- (g) The plans and specifications required pursuant to Env-Wq 1606.15;
- (h) The design criteria required by Env-Wq 1606.16; and
- (i) A certification signed by the applicant that the applicant has not been convicted of:
  - (1) A misdemeanor under any statute administered by the department within the 5 years prior to the date of application; or
  - (2) A felony in any state or federal court during the 10 years prior to the date of application.

Env-Wq 1606.10 Transfer/Storage Tank Permit Fee.

- (a) Subject to (c), below, the applicant shall submit a nonrefundable fee in the amount of \$200 with each application for issuance or renewal of a transfer/storage tank permit.
- (b) If paid by check or money order, the fee shall be made payable to "Treasurer - State of NH".
- (c) Any New Hampshire political subdivision proposing to site a transfer/storage tank shall be exempt from the fee specified in (a) above.

Env-Wq 1606.11 Application Review Criteria. The department shall issue, renew, or modify a transfer/storage tank permit if it determines that:

- (a) All applicable requirements of these rules have been met;
- (b) If the applicant is other than the property owner, the property owner has given permission to the applicant to file the application and to enter upon the property for purposes of site investigation and operation of the site in the event that the department issues the permit;
- (c) All other state permits which are necessary for the operation of the transfer/storage tank have been applied for;
- (d) Management of septage at the site in accordance with the application does not violate any statutes or rules administered by the department;

(e) The applicant has not been convicted of a misdemeanor under any statute implemented by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application;

(f) The applicant has paid all fees and administrative fines owed to the department and all civil or criminal penalties owed to the State as a result of a violation of a law administered by the department; and

(g) The proposed transfer/storage tank operation will not adversely affect threatened or endangered species, classified groundwater protection areas, or any river or segment designated under RSA 483.

Env-Wq 1606.12 Expiration of a Transfer/Storage Tank Permit. A transfer/storage tank permit issued pursuant to Env-Wq 1606.11 shall expire 10 years from the date of issuance.

Env-Wq 1606.13 Renewal/Modification of Transfer/Storage Tank Permit.

(a) Any person to whom a transfer/storage tank permit was issued who wishes to renew or modify the permit shall apply pursuant to Env-Wq 1603.12 and submit the fee required by Env-Wq 1606.10, as applicable, prior to expiration or modification of the permit.

(b) Any proposed change to the location, design, or operation of a transfer/storage tank site as permitted by the department shall require approval pursuant to Env-Wq 1603.12.

Env-Wq 1606.14 Reporting.

(a) Each year that a transfer/storage tank permit is valid, the holder shall submit an annual report to the department by the last business day of January for the prior calendar year, regardless of whether or not septage was received or transferred within the prior calendar year.

(b) The annual report shall contain the following information:

- (1) The location of the transfer/storage tank, including street address and town;
- (2) The transfer/storage tank permit number;
- (3) The owner's name, if other than the permit holder;
- (4) The total volume of septage, in gallons, received by month and municipality of origin; and
- (5) Information for the final disposition of the septage to include:
  - a. The facility or site name;
  - b. The amount transferred in gallons;
  - c. The permit number of the facility or site; and
  - d. The receiving state of the facility or site.

Env-Wq 1606.15 Plans and Specifications. Each applicant for a permit-by-notification for a septage holding tank, and each applicant for a transfer/storage tank permit, shall submit a plan that contains or shows the following information:

- (a) A locus map which identifies the proposed septage holding or transfer/storage tank location;
- (b) The footprint of the proposed activity area;
- (c) All access roads and access control measures;



(d) All roads, property boundary lines, structures within 100 feet of the septage holding or transfer/storage tank location, structures on the property, any easements or rights-of-way which exist on the property, and the setback distances specified in Env-Wq 1609.09(h);

(e) Surrounding land use within 200 feet of the footprint of the proposed activity area on which the septage holding or transfer/storage tank is proposed to be located; and

(f) Septage holding or transfer/storage tank specifications, including details of tank and piping design, which shall be consistent with the requirements of Env-Wq 1606.16.

Env-Wq 1606.16 Design Criteria. Septage holding tanks, transfer/storage tanks, and transfer hoses for either type of tank shall meet the following design criteria:

(a) The tank shall be watertight;

(b) All piping, transfer hoses, valves, and connections shall be watertight, accessible, and capable of being cleaned, repaired, and replaced;

(c) All inlet and outlet connections shall be constructed and maintained such that no material will leak, spill, or otherwise run out of the tank when it is not intended to;

(d) Except for septage holding tanks that were registered prior to the effective date of the 2005 amendments to these rules, no septage holding or transfer/storage tank shall be located within the setback distances identified in Env-Wq 1609.09(h);

(e) Except for septage holding tanks that were registered prior to the effective date of the 2005 amendments to these rules, no septage holding or transfer/storage tank shall be permitted on the 100-year flood plain as defined and delineated by the flood insurance rate maps published by the Federal Emergency Management Agency; and

(f) The department shall approve a spill response plan submitted pursuant to Env-Wq 1606.08(b)(1) if the applicant demonstrates that the plan is sufficient to prevent septage from impacting groundwaters, surface waters, and abutting properties.

Env-Wq 1606.17 Record Keeping. Every owner of a transfer/storage tank shall maintain the following records for a minimum of 5 years after the expiration of the permit to which they relate:

(a) For each load of septage received:

(1) The date received or picked up;

(2) The name and address of the client(s) from whom the septage was received; and

(3) The volume of the septage received, in gallons; and

(b) Records indicating the final disposal destination(s) for septage removed from the transfer/storage tank.

#### PART Env-Wq 1607 PORTABLE TOILET AND MARINE SANITATION DEVICE WASTE REQUIREMENTS

Env-Wq 1607.01 Permit Required. No person shall remove or transport portable toilet or marine sanitation device waste on public roads without first obtaining a septage hauler permit pursuant to Env-Wq 1605.01.

Env-Wq 1607.02 Use, Maintenance, and Removal of a Portable Toilet. A portable toilet shall:

(a) Be maintained in a clean and sanitary manner so that it does not constitute a public health threat, provided that a portable toilet maintained in accordance with Portable Sanitation Association International Certification Standards, 1993, shall be presumed to meet this requirement;

(b) Be serviced or removed from a site within 2 weeks of completion of an event or construction project, provided however that the owner of the portable toilet and the lessee may negotiate a longer period up to 30 days;

(c) Be marked with a label indicating the owner's name and telephone number in permanent and legible lettering at least 2 inches high; and

(d) Be placed no closer than 33 feet to any surface waters of the state.

Env-Wq 1607.03 Transportation of a Portable Toilet. With the exception of toilets in recreational vehicles, self-contained trailers, and trailered boats, no portable toilet shall be transported with any sanitary waste contained within the unit.

Env-Wq 1607.04 Design Criteria. No portable toilet shall be used unless it is certified by its manufacturer as meeting the design criteria specified in ANSI standard Z4.3 that is current as of the date of manufacture.

Env-Wq 1607.05 Portable Toilet and Marine Sanitation Device Deodorants and Disinfectants.

(a) Liquids used as deodorants or disinfectants in portable toilet and marine sanitation devices shall be compatible with septage and wastewater treatment facilities.

(b) Septage, including septage solids and filtrate, which has been mixed with liquids used as deodorants and disinfectants shall not be land applied.

Env-Wq 1607.06 Record Keeping.

(a) Each hauler who services portable toilets shall maintain records indicating the service dates for each unit and the final disposal destination.

(b) The hauler shall retain the records for a minimum of 5 years after the expiration of the permit to which they relate.

## PART Env-Wq 1608 SITE PERMIT REQUIREMENTS

Env-Wq 1608.01 Site Permit Requirements.

(a) Any person proposing to land apply septage shall apply for a site permit.

(b) To apply for a site permit, the applicant shall submit:

(1) The information required by Env-Wq 1608.02;

(2) The fee specified in Env-Wq 1608.05;

(3) The plans, maps, and other information specified in (c), below; and

(4) The certifications specified in (d) and (e), below.

(c) The following information shall be submitted with the application:

(1) The site plan prepared in accordance with Env-Wq 1608.07;

- (2) The management plan prepared in accordance with Env-Wq 1608.08;
  - (3) A site-specific soil map or survey prepared in accordance with the Site-Specific Soil Mapping Standards for New Hampshire and Vermont, Society of Soil Scientists of Northern New England Special Publication No. 3, dated February 2011, available as noted in Appendix B;
  - (4) The description of the soil profile characteristics of each soil test pit as required by Env-Wq 1608.12(c);
  - (5) A legible copy or computer-generated version of the most recent USGS map, largest scale available, with the latitude and longitude specified, showing the approximate location and boundary of the site;
  - (6) The results of the soil analyses in accordance with Env-Wq 1608.12(e) and (f);
  - (7) Written verification from:
    - a. Depending upon jurisdiction, the New Hampshire department of resources and economic development, U.S. Fish and Wildlife Service, or the New Hampshire department of fish and game indicating whether threatened or endangered species exist on the site;
    - b. The department's water supply engineering bureau indicating whether the proposed activity is within a classified GAA or GA-1 groundwater protection area and, if so, any written recommendations concerning the proposed project; and
    - c. The department's rivers coordinator if the proposed project is within jurisdiction of any river or segment designated under RSA 483 and if so, any written recommendations concerning the proposed project;
  - (8) A list of all other state permits which are required for the proposed site and evidence that applications for those permits have been submitted;
  - (9) The name and address of the locally-accessible place where all information required by Env-Wq 1608.01 can be reviewed; and
  - (10) A copy of the notice required by Env-Wq 1604.01.
- (d) A certification signed by the applicant that:
- (1) The applicant has complied with the notification provisions of Env-Wq 1604.01;
  - (2) All operators of the site will be informed of the requirements of Env-Wq 1600 prior to working at the site;
  - (3) A copy of the application has been given to the governing body of the municipality in which the activity is proposed to occur;
  - (4) The information submitted is accurate; and
  - (5) The applicant has not been convicted of a misdemeanor under any statute administered by the department within the 5 years prior to the date of application or of a felony in any state or federal court during the 10 years prior to the date of application.
- (e) If the applicant is not the property owner, the application shall be accompanied by a written certification from the property owner stating that the property owner is aware the application is being filed, and has given permission to the applicant to file the application and to enter upon the land for purposes of site investigation and operation of the land application site in the event that the department issues the permit.

- (f) Each application shall be submitted in duplicate.

Env-Wq 1608.02 Application Form. The applicant shall provide the following information on a form obtained from the department:

- (a) The name, mailing address, and daytime telephone number of the applicant, if an individual;
- (b) The name, mailing address, and daytime telephone number of the applicant's business;
- (c) The name and telephone number of the individual who can be reached in case of an emergency;
- (d) The location of the proposed site, including street address, tax map and lot number, and current deed reference;
- (e) The site owner's name, mailing address, and daytime telephone number;
- (f) The name, mailing address, and daytime telephone numbers of each current or proposed operator of the site, including each individual's responsibility as it pertains to the regulated activities;
- (g) The types of land application activity being proposed for the site, including but not limited to agricultural land application, forest application, or stockpiling; and
- (h) A description of the use of the site, including agricultural operations and crops grown on each field, if applicable, covering 5 years immediately prior to submission of the application.

Env-Wq 1608.03 Expiration of Site Permit. A site permit issued by the department shall expire 10 years from the date on which it was issued.

Env-Wq 1608.04 Renewal of Site Permit. Any person to whom a site permit has been issued who wishes to renew the permit shall apply pursuant to Env-Wq 1603.12 to the department at least 30 days prior to expiration of the permit.

Env-Wq 1608.05 Site Permit Fees.

- (a) Subject to (e) and (f), below, a nonrefundable fee in the amount of \$300 shall be paid with each application for issuance or renewal of a site permit for land application of septage on sites greater than 10 acres.
- (b) Subject to (e) and (f), below, a nonrefundable fee in the amount of \$150 shall be paid with each application for issuance or renewal of a site permit for land application of septage on sites greater than 5 but less than or equal to 10 acres.
- (c) Subject to (e) and (f), below, a nonrefundable fee in the amount of \$100 shall be paid with each application for issuance or renewal of a site permit for land application of septage on sites with 5 or fewer acres.
- (d) Fees, if paid by check or money order, shall be made payable to "Treasurer - State of NH."
- (e) Any New Hampshire political subdivision proposing to permit a site for land application shall be exempt from the fee specified in (a) through (c) above.
- (f) Sites which also receive a facility permit, in accordance with Env-Wq 1609, shall be exempt from the fees specified in (a) through (c) above.

Env-Wq 1608.06 Criteria for Review. The department shall issue or renew a site permit if it determines that:

- (a) All applicable requirements of these rules have been met;
- (b) If the applicant is other than the property owner, the property owner has given permission to the applicant to file the application and to enter upon the land for purposes of site investigation and operation of the site in the event that the department issues the permit;
- (c) All other state permits which are necessary for the operation of the site have been applied for;
- (d) Management of septage at the site in accordance with the application shall not violate any statutes or rules administered by the department;
- (e) The applicant has not been convicted of a misdemeanor under any statute implemented by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application;
- (f) The applicant has paid all fees and administrative fines owed to the department and all civil or criminal penalties owed to the State as a result of a violation of a law administered by the department;
- (g) The applicant has submitted all soil test results and reports required for a site permit pursuant to Env-Wq 1608.12; and
- (h) The proposed use of septage will not adversely affect threatened or endangered species, classified groundwater protection areas, or any river or segment designated under RSA 483.

Env-Wq 1608.07 Site Plan. The site plan required under Env-Wq 1608.01(c)(1) shall be:

- (a) Based upon a municipal tax map, a surveyed plan, or other scaled drawing which identifies the proposed site location at a scale appropriate to delineate the information clearly; and
- (b) Marked to show:
  - (1) A locus map which identifies the proposed site location at a scale appropriate to delineate the information clearly;
  - (2) The total land area, in acres, to be used for land application;
  - (3) The land area of each field, in acres, identified by unique field designations;
  - (4) All access roads, access control measures, and setback distances;
  - (5) All proposed stockpiling, holding tank, or transfer/storage tank locations, if applicable;
  - (6) All easements or rights-of-way which exist on the property;
  - (7) All proposed measures to control surface water runoff to or from the site and stockpiling locations, if applicable;
  - (8) Surrounding land use, roads, and property lines within 500 feet of the site;
  - (9) All soil test pit and auger boring locations;
  - (10) The approximate location of and distance to all dwellings and structures and water supply wells, whether on or off the site, within 600 feet of the site application footprint;
  - (11) The names and mailing addresses of all abutters;

(12) The name and location of all surface waters within ¼-mile of the site, including the designated river classification under RSA 483, New Hampshire rivers management and protection program, if applicable;

(13) The scale of the plan;

(14) An arrow indicating which direction on the plan is north; and

(15) The location of all poorly and very poorly drained soils on the site as part of the site-specific soil map or survey required in Env-Wq 1608.01(c)(3).

Env-Wq 1608.08 Management Plan. Each management plan required under Env-Wq 1608.01(c)(2) shall include the following information:

- (a) The normal hours of operation of the site;
- (b) All proposed route(s) of access to the site;
- (c) The method of application;
- (d) Stockpiling or storage provisions, if applicable;
- (e) The volume of septage, in gallons, expected on a periodic basis, such as daily, weekly, or monthly, and the estimated annual volume;
- (f) The proposed measures to meet pathogen reduction and vector attraction reduction requirements specified in Env-Wq 1608.09(a)(1);
- (g) A description of the record keeping procedures;
- (h) A detailed odor control plan explaining:
  - (1) The procedures that shall be used to address and resolve any odor complaints;
  - (2) The name, mailing address, and daytime telephone number of the individual(s) who shall be responsible for responding to odor complaints; and
  - (3) Site management techniques that shall be employed to minimize odors;
- (i) A nutrient management plan for the final mixture to be land applied for each field, specific for each crop or vegetation type, containing the following information:
  - (1) The crops or vegetation to be grown;
  - (2) A copy of the farm or site nutrient management recommendations developed in accordance with guidelines of UNH cooperative extension, USDA Natural Resources Conservation Service, NH department of agriculture, markets, and food, or other agricultural or crop advisor certified through the certified crop advisor program administered by the American Agronomy Society;
  - (3) The agronomic rate calculations for land application of septage performed in accordance with 40 CFR Part 503;
  - (4) The proposed disposition of crops grown; and
  - (5) The proposed type and quantity of all other soil amendments and nutrient sources to be used on the site; and

(j) Any other best management practices which shall be implemented at the site to ensure compliance with these rules.

Env-Wq 1608.09 Land Application Standards.

(a) The operation of all sites which manage septage through land application shall comply with:

- (1) The federal regulations as specified in 40 CFR part 503; and
- (2) The requirements specified herein.

(b) No septage shall be land applied on frozen or snow covered ground or when the ground is saturated due to precipitation or flooding.

(c) No septage shall be land applied on agricultural land which has a slope greater than 15 percent, that is, a 15 foot rise in 100 feet.

(d) Septage land applied on agricultural land or forested land which has a slope greater than 8 percent shall be applied in no fewer than 4 separate applications, each of which is no more than 25 percent of the total agronomic rate, at least 48 hours apart.

(e) Septage shall be land applied in an even layer so as not to result in ponding or runoff of material.

(f) Septage shall be screened or otherwise processed to minimize visible or identifiable plastics or other non-biodegradable solids.

(g) No septage shall be land applied on very poorly drained solids.

(h) No septage shall be land applied in the floodway, defined as the stream channel plus that portion of the overbanks that must be kept free from encroachment in order to discharge the one percent annual chance flood without increasing flood levels by more than one foot, which is adopted into a local floodplain management ordinance.

(i) Animals shall not be grazed on land on which septage has been land applied until 45 days after the last application of septage unless methods to reduce adherence to the crop or vegetation are used in conformance with the approved management plan.

(j) Land application sites shall be posted, for the life of the permit, with signs which:

- (1) Contain the name and telephone number of the operator printed with block letters not less than 2 inches in height;
- (2) State: "Septage land application site" printed with block letters not less than 2 inches in height;
- (3) Contain the name and address of the owner or lessee of the property; and
- (4) Are located at gates, bars, and commonly-used entrances.

(k) Only domestic septage as defined in Env-Wq 1602.12, excluding portable toilet and marine sanitation device waste, shall be land applied.

Env-Wq 1608.10 Required Setback Distances For Land Application.

(a) No person shall land apply septage within the setback areas specified in Table 1608-1, subject to (b) below:

Table 1608-1: Setback Distances For Land Application (in feet)

Surface Water:	
Designated river under RSA 483	250 <sup>e</sup>
Other surface water	125 <sup>a</sup>
Non-Tidal Drainage Ditch	33
Downgradient Water Supplies:	
Community Wells	400 <sup>b</sup>
Other Wells	300
Surface Drinking Water Source	500
Property Lines	50 <sup>c</sup>
Public Roads other than federal interstate highways	25
Federal Interstate Highways	10
Nearest Residential Off-site Dwelling	100 <sup>c</sup>
Groundwater Depth for Land Application	2 <sup>d</sup>
Bedrock / Restrictive Layer	2

(b) The following notes shall apply to Table 1608-1:

- (1) The letter “a” shall indicate that the distance to surface waters may be reduced to 75 feet if the material is incorporated within 48 hours and the slope is less than 8 percent;
- (2) The letter “b” shall indicate those community public water supply wells which withdraw greater than 57,600 gallons over a 24-hour period;
- (3) The letter “c” shall indicate that the distance to property lines and to residential off-site dwellings may be reduced through written agreement with affected party(ies);
- (4) The letter “d” shall indicate the depth to groundwater at time of application; and
- (5) The letter “e” shall indicate that all septage land applied within ¼-mile of a designated river shall be immediately incorporated into the soil or injected in accordance with RSA 483:9.

Env-Wq 1608.11 Septage Stockpiling.

- (a) Any person stockpiling septage containing 15 percent or greater solids for longer than 7 days shall cover the stockpile with an odor control material, such as lime or wood ash which has been approved for such use pursuant to Env-Sw 1700 to minimize odors.
- (b) A septage stockpile shall be maintained to minimize water run-on and run-off.
- (c) Stockpiling of septage shall not be permitted for greater than 48 hours on the 100-year flood plain as defined and delineated by the flood insurance rate maps published by the Federal Emergency Management Agency.
- (d) Stockpiling of septage shall not be permitted on any poorly or very poorly drained soils.
- (e) Septage containing less than 15 percent solids shall be stored or stockpiled in a permitted septage transfer/storage tank or lined lagoon.

Env-Wq 1608.12 Soil Testing for Land Application Sites.

- (a) Prior to filing an application for a site permit, one soil test pit of at least 40 inches deep shall be dug for each soil mapping unit shown on the soil map required by Env-Wq 1608.01(c)(3).



(b) One soil test pit or auger boring shall be dug to a depth of at least 4 feet in each area proposed for stockpiling.

(c) The results of the soil test pits or auger bores required by (a) or (b), above, shall be analyzed and described, including a description of the soil profile characteristics, depth to seasonal high water table, and depth to bedrock or other restrictive layer.

(d) Soil samples from each field proposed to be used for land application shall be collected:

(1) Within 6 months prior to submittal of the permit application and again within 3 months prior to the end of the permit term; and

(2) As instructed by the accredited laboratory that will conduct the soil analyses, for example as specified on the university of New Hampshire cooperative extension's soil collection form for biosolids and septage spreading.

(e) The soil samples collected pursuant to (d), above, shall be analyzed by a laboratory accredited under Env-C 300 to analyze water for metals, for:

(1) Arsenic, measured as mg/kg;

(2) Cadmium, measured as mg/kg;

(3) Chromium, measured as mg/kg;

(4) Copper, measured as mg/kg;

(5) Lead, measured as mg/kg;

(6) Mercury, measured as mg/kg;

(7) Molybdenum, measured as mg/kg;

(8) Nickel, measured as mg/kg;

(9) Selenium, measured as mg/kg; and

(10) Zinc, measured as mg/kg.

(f) Soil samples from each field used for land application of septage shall be collected:

(1) Once per year;

(2) As instructed by the accredited laboratory that will conduct the soil analyses, for example as specified on the university of New Hampshire cooperative extension's soil collection form for biosolids and septage spreading; and

(3) No more than 3 months prior to the initial application for that year.

(g) Samples collected pursuant to (f), above, shall be analyzed by the analytical services laboratory at UNH cooperative extension services or by a laboratory using a comparable method that produces equivalent results for:

(1) Soil acidity, measured as pH;

(2) Buffer pH;

(3) Texture;

(4) Calcium;

(5) Magnesium;

- (6) Potassium;
- (7) Phosphorus; and
- (8) Organic matter.

Env-Wq 1608.13 Criteria for Review of Soil Testing Results. Land application of septage shall not be allowed if the soil metals tested under Env-Wq 1608.12(e) exceed the following concentrations, expressed as the total concentration on a dry weight basis:

- (a) For arsenic, 11 mg/kg;
- (b) For cadmium, 32 mg/kg;
- (c) For chromium, 1000 mg/kg;
- (d) For copper, 1500 mg/kg;
- (e) For lead, 400 mg/kg;
- (f) For mercury, 1 mg/kg;
- (g) For molybdenum, 11 mg/kg;
- (h) For nickel, 580 mg/kg;
- (i) For selenium, 260 mg/kg; and
- (j) For zinc, 1000 mg/kg.

Env-Wq 1608.14 Record Keeping.

(a) Every site permit holder shall maintain records of each load of septage received at the site, including identification of:

- (1) The date received;
- (2) The name and permit number of the hauler delivering the load;
- (3) The volume of each load of septage received in gallons;
- (4) The name and address of the person(s) from which the material originates; and
- (5) The date land applied and the amount spread on each field.

(b) The site permit holder shall retain all site plans, management plans, and records generated during the period of permitted activity for a minimum of 5 years after the expiration of the site permit(s) to which they relate.

Env-Wq 1608.15 Reporting.

(a) At least 10 days prior to commencement of each yearly septage land application activity, the permit holder shall submit the following information to the department for each site:

- (1) The permit number for the site;
- (2) An updated nutrient management plan as required by Env-Wq 1608.08(i); and
- (3) A copy of the published notice required by Env-Wq 1604.02(c).

(b) Every site permit holder shall submit an annual report for each site to the department by the last business day of January for each previous year in which the permit is valid, regardless of whether the site received or processed septage during the previous calendar year.

(c) The annual report shall contain the following:

- (1) The site location, including address and town;
- (2) The permit number;
- (3) The owner's name;
- (4) The crops grown for each field and the crop disposition; and
- (5) The quantity of septage applied to each field.

(d) If any of the information differs from that previously supplied to the department concerning the activity, the permit holder shall note those differences in the annual report.

#### PART Env-Wq 1609 FACILITY PERMIT REQUIREMENTS

##### Env-Wq 1609.01 Facility Permit Application.

(a) Any person proposing to operate a septage facility shall apply for a facility permit.

(b) To apply for a facility permit, the applicant shall submit:

- (1) The information required by Env-Wq 1609.02;
- (2) The fee specified in Env-Wq 1609.05;
- (3) The plans, maps, and other information specified in (c), below; and
- (4) The certifications specified in (d) and (e), below.

(c) The following shall be submitted with the application:

- (1) If applicable, facility plans and specifications for construction and closure stamped by a professional engineer registered in the State of New Hampshire;
- (2) The facility plan prepared in accordance with Env-Wq 1609.07;
- (3) The management plan prepared in accordance with Env-Wq 1609.08;
- (4) The hydrogeologic evaluation and the groundwater monitoring plan prepared in accordance with Env-Wq 1615;
- (5) A site-specific soil map or survey prepared in accordance with the Site-Specific Soil Mapping Standards for New Hampshire and Vermont, Society of Soil Scientists of Northern New England Special Publication No. 3, dated February 2011, available as noted in Appendix B, with the area(s) of proposed activity clearly delineated, including a description of each soil type found on the site;
- (6) A legible copy or computer generated version of the most recent USGS map showing the location of the facility with the latitude and longitude specified;
- (7) Written verification from:

- a. Depending upon jurisdiction, the department of resources and economic development, U.S. Fish and Wildlife Service, or the New Hampshire department of fish and game indicating whether threatened or endangered species exist on the site;
  - b. The department's water supply engineering bureau indicating whether the proposed activity is within a classified GAA or GA-1 groundwater protection area and, if so, any written recommendations concerning the proposed project; and
  - c. The department of environmental services rivers coordinator if the proposed project is within jurisdiction of any river or segment designated under RSA 483 and if so, any written recommendations concerning the proposed project.
- (8) A copy of the facility closure plan as specified in Env-Wq 1609.10;
  - (9) A list of all other state permits which are required for the proposed facility and evidence that applications for those permits have been submitted; and
  - (10) The name and address of the locally accessible place where all the information required in Env-Wq 1609.01 can be reviewed.
- (d) The applicant shall submit a statement signed by the applicant certifying that:
    - (1) The applicant has complied with the notification requirements of Env-Wq 1604.01;
    - (2) All operators of the facility have been instructed on the requirements of Env-Wq 1600 or shall be instructed prior to working at the facility;
    - (3) A copy of the application has been given to the governing body of the municipality in which the activity is proposed to occur;
    - (4) The information submitted is accurate; and
    - (5) The applicant has not been convicted of a misdemeanor under any statute administered by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application.
  - (e) If the applicant is not the property owner, the application shall be accompanied by a written statement signed by the property owner stating that the property owner is aware the application is being filed and has given permission to the applicant to file the application and to enter upon the land for purposes of site investigation and operation of the facility in the event that the department issues the permit.
  - (f) Each application shall be submitted in duplicate.
  - (g) The applicant shall submit a copy of the application to the governing body of the municipality in which the activity is proposed to occur.

Env-Wq 1609.02 Facility Permit Application Form.

- (a) The person proposing to undertake the septage management activities at the facility shall apply for the facility permit.
- (b) The applicant for a facility permit shall provide the following information to the department on a form obtained from the department:
  - (1) The name, mailing address, and daytime telephone number of the applicant if an individual;
  - (2) The name, mailing address, and daytime telephone number of the applicant's business;

- (3) The name and telephone number of the person who can be reached in case of emergency;
- (4) The location of the proposed facility, including street address, tax map and lot number, and current deed reference;
- (5) The name, mailing address, and daytime telephone number of each operator of the facility including each person's responsibility as it pertains to the regulated activities;
- (6) The types of septage management activities being proposed at the facility including but not limited to processing, stockpiling, storing, or treating of septage;
- (7) A description of the intended capacity and life of the facility;
- (8) A description of the use of the land on which the facility is proposed covering 5 years immediately prior to submission of the application; and
- (9) The intended use of the treated septage and whether further certifications will be sought.

Env-Wq 1609.03 Expiration of a Facility Permit. A facility permit issued by the department shall expire 10 years from the date on which it was issued.

Env-Wq 1609.04 Renewal of a Facility Permit. Any person to whom a facility permit has been issued who wishes to renew the permit shall apply pursuant to Env-Wq 1603.12 and submit the permit fee required by Env-Wq 1609.05 to the department at least 60 days prior to expiration of the permit.

Env-Wq 1609.05 Facility Permit Fee.

(a) Subject to (b) and (c) below, a nonrefundable fee in the amount of \$1,000 shall be paid with each application for issuance or renewal of a facility permit.

(b) Any New Hampshire political subdivision that applies for a facility permit shall be exempt from the fee specified in (a) above.

(c) Any facility that has a written agreement to accept septage from a municipality in compliance with RSA 485-A:5-b shall be allowed a \$200 reduction in the fee specified in (a) above for each municipality, with a maximum reduction of \$1,000 for 5 municipalities.

(d) The fee, if paid by check or money order, shall be made payable to "Treasurer - State of NH."

Env-Wq 1609.06 Criteria for Review. The department shall issue or renew a facility permit if it determines that the following criteria have been met:

(a) All applicable requirements of the rules have been met;

(b) All other state permits which are necessary for the construction and operation of the facility have been applied for;

(c) Management of septage at the facility shall not violate any statutes or rules implemented by the department;

(d) The applicant has not been convicted of a misdemeanor under any statute administered by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application;

(e) The applicant has paid all fees and administrative fines owed to the department and all civil or criminal penalties owed to the State as a result of a violation of a law administered by the department;

(f) The septage management activities which will be conducted at the facility shall not adversely affect threatened or endangered species; and

(g) The department can differentiate any groundwater impact resulting from the proposed modification or renewal from any impact resulting from the existing or previously permitted activity.

Env-Wq 1609.07 Facility Plan. The facility plan required under Env-Wq 1609.01(c)(2) shall:

- (a) Be at a scale appropriate to show all information contained on the plan clearly; and
- (b) Include the following:
  - (1) A locus map which identifies the proposed facility location and details the proposed route of access to and onto the facility;
  - (2) The total available land area, in acres, and the specific acres to be used for facility operations, including proposed stockpile, holding or storage tank locations;
  - (3) All access roads and access control measures, including perimeter fencing and setback zones;
  - (4) All roads, property lines, structures whether on or off the property, and any easements or rights-of-way which exist on the property;
  - (5) All proposed measures to control surface runoff to or from the facility, and stockpile and storage tank locations, if applicable;
  - (6) A description of all surrounding land use within 600 feet of the footprint of the facility;
  - (7) All soil test pit and auger boring locations;
  - (8) The approximate location of and distance to all dwellings, structures, and water supply wells within 600 feet of the footprint of the facility;
  - (9) The names and mailing addresses of all abutters;
  - (10) The name and location of all surface waters within ¼ mile of the facility, including their designated river classification, under RSA 483, New Hampshire rivers management and protection program, if applicable;
  - (11) The scale of the plan;
  - (12) An arrow indicating which direction on the plan is north;
  - (13) The location of all poorly and very poorly drained soils; and
  - (14) If applicable, the location of the groundwater discharge or management zone as described in Env-Wq 1615.02.

Env-Wq 1609.08 Management Plan. The management plan required under Env-Wq 1609.01(c)(3) shall include the following:

- (a) The normal hours of operation of the site;
- (b) Stockpiling, transfer/storage or holding tank provisions, if applicable;
- (c) The volume of septage, in gallons, expected on a periodic basis, such as daily, weekly or monthly;

(d) The volume of septage, in gallons, expected over the entire life expectancy of the facility, if applicable;

(e) The proposed measures to meet pathogen and vector attraction reduction requirements, if applicable specified in Env-Wq 1608.09(a)(1);

(f) Additional on-site measures to be taken to control vectors;

(g) A detailed odor control plan explaining:

- (1) The procedures that shall be used to address and resolve any odor complaints;
- (2) Additional management techniques employed to minimize odors; and
- (3) The name, mailing address, and daytime telephone number of the individual(s) who will be responsible for responding to odor complaints;

(h) A copy of the facility contingency plan describing course(s) of action to be followed in case of emergency or other special conditions, such as:

- (1) Equipment breakdowns;
- (2) Fire;
- (3) Vectors;
- (4) Explosion;
- (5) Spills;
- (6) Receipt or release of hazardous or toxic materials or substances;
- (7) Groundwater, surface water or air contamination attributable to a facility; and
- (8) Other incidents that could threaten public health or safety or the environment; and

(i) A description of how all operators of the facility were or shall be instructed on the applicable requirements prior to working at the facility.

Env-Wq 1609.09 Facility Standards.

(a) Any facility designed for the treatment or processing of septage that is independent of a wastewater treatment facility permitted under RSA 485-A:13 shall be designed and constructed in accordance with applicable provisions of TR-16, "Guides for the Design of Wastewater Treatment Works" by the New England Interstate Water Pollution Control Commission, 2011, available as noted in Appendix B.

(b) Septage composting facilities shall be designed, constructed, operated and closed in accordance with Env-Sw 600 relative to composting facilities.

(c) The facility shall operate in such a manner so as to minimize the impact on abutters and the surrounding community from odors, vehicle traffic, and dust.

(d) All facilities shall:

- (1) Be posted with signs which:
  - a. Contain the name and telephone number of the operator;

- b. Contain the name and address of the owner or lessee of the property;
  - c. Shall be posted at gates, bars, and commonly used entrances; and
  - d. State: “Septage Treatment Facility” printed with block letters not less than 2 inches in height.
- (2) Restrict access by the installation of a locked gate or cable;
  - (3) Be operated such that odors from the facility are minimized;
  - (4) Be maintained in a clean and orderly fashion to minimize attraction of vectors; and
  - (5) Be closed in accordance with Env-Wq 1609.10.
- (e) In addition to the requirements in (d) above, all lagoons shall be:
- (1) Fenced around the perimeter with wire or plastic mesh at least 4 feet in height with openings no larger than 4 inches to control access;
  - (2) Maintained to provide a minimum of 2 feet of freeboard at all times; and
  - (3) Bermed on all sides to divert surface drainage away from the lagoons.
- (f) Subject to (g), below, no person shall situate or operate a facility within the setback distances specified in Table 1609-1:

Table 1609-1 Setback Distances For Septage Facilities (in feet)

Water Supplies:	
Nearest Well	500 <sup>a</sup>
Surface Drinking Water Source	500 <sup>a</sup>
Surface Water:	
Designated river under RSA 483	250
Other surface water	125
Non-Tidal Drainage Ditch	100
Nearest Residential Off-site Dwelling:	
Enclosed Facility	400
Open Facility	600 <sup>b</sup>
Property Line:	
Enclosed Facility	100
Open Facility	500 <sup>c</sup>
Groundwater Depth	2 <sup>d</sup>
Bedrock / Restrictive Layer	4

- (g) The following notes shall apply to Table 1609-1:
- (1) The letter “a” shall indicate that the distance to the nearest water supply may be reduced based on a hydrological evaluation performed by a professional geologist or professional engineer that demonstrates that a lesser distance will not result in any degradation to drinking water at the well or surface water source;
  - (2) The letter “b” shall indicate that the distance to the nearest residential off-site dwelling shall be as far as practical beyond 600 feet, but may be reduced below 600 feet with the owner’s prior written consent;



(3) The letter “c” shall indicate that the distance to the nearest property line shall be as far as practical beyond 500 feet, but may be reduced below 500 feet with the owner’s prior written consent; and

(4) The letter “d” shall indicate the distance to the seasonal high water table.

(h) No person shall store, hold, or stockpile septage within the setback areas specified in Table 1609-2, subject to (i) below:

Table 1609-2 Setback Distances For Septage Stockpiling, Holding, Transfer or Storage Tanks (in feet)

Nearest Residential Off-Site Dwelling:	
Sealed & covered holding or transfer/storage tank	100 <sup>a</sup>
Open holding or transfer/storage tank or stockpiling	600 <sup>b</sup>
Nearest Drinking Water Well:	
Sealed & covered holding or transfer/storage tank	75 <sup>c</sup>
Lined holding, storage or stockpiling	75 <sup>c</sup>
Unlined holding, storage or stockpiling	500 <sup>d</sup>
Property Line:	
Sealed & covered holding or transfer/storage tank	50 <sup>e</sup>
Lined and covered holding, storage or stockpiling	200 <sup>f</sup>
Unlined or open holding, storage or stockpiling	500 <sup>f</sup>
Public Roads other than federal interstate highways	25
Bedrock / Restrictive Layer	4
Groundwater:	
Sealed & covered holding or storage tank	2 <sup>g</sup>
Lined and covered storage or stockpiling	2 <sup>g</sup>
Other storage or stockpiling	4 <sup>g</sup>
Surface water:	
Designated river under RSA 483	250
Other surface water	125
Non-Tidal Drainage Ditch	100

(i) The following notes shall apply to Table 1609-2:

(1) The letter “a” shall indicate that the distance to the nearest residential off-site dwelling shall be as far as practical beyond 100 feet, but may be reduced below 100 feet with the owner’s prior written consent;

(2) The letter “b” shall indicate that the distance to the nearest residential off-site dwelling shall be as far as practical beyond 600 feet, but may be reduced below 600 feet with the owner’s prior written consent;

(3) The letter “c” shall indicate that the distance to the nearest downgradient well shall be as far as practical, but in no case closer than 75 feet;

(4) The letter “d” shall indicate that the distance to the nearest downgradient well shall be as far as practical, but in no case closer than 500 feet;

(5) The letter “e” shall indicate that the distance to the nearest property line shall be as far as practical beyond 50 feet, but may be reduced below 50 feet with the owner’s prior written consent;

(6) The letter “f” shall indicate that the distance to the nearest property line shall be as far as practical beyond 500 feet, but may be reduced below 500 feet with the abutting property owner’s prior written consent; and

(7) The letter “g” shall indicate that this shall be the depth to the seasonal high water table.

(j) Any person stockpiling septage containing 15 percent or greater solids for longer than 7 days shall cover the stockpile with an odor control material, such as lime or wood ash which has been approved for such use pursuant to Env-Sw 1700 to minimize odors.

(k) Stockpiles of septage solids shall be maintained to minimize water run-on and run-off.

(l) Stockpiling of septage shall not be permitted for greater than 48 hours on the 100-year flood plain as defined and delineated by the flood insurance rate maps published by the Federal Emergency Management Agency.

(m) Stockpiling of septage shall not be permitted on any poorly or very poorly drained soils.

(n) Septage containing less than 15 percent solids shall be processed or bulked to stack, or shall be stored in a tank or lagoon.

Env-Wq 1609.10 Closure Plan.

(a) The applicant for a septage facility permit shall submit a closure plan to the department for approval as specified in Env-Wq 1609.01(c)(9).

(b) The closure plan shall include the following:

(1) The facility identification, including name, mailing address, location and permit number, if applicable;

(2) For facilities other than land disposal facilities, a description of the proposed procedures for removing all septage material from the facility and the intended final disposition of the materials;

(3) A description of any proposed site work that will be performed to regrade and revegetate the area;

(4) The schedule of closure activities and anticipated closure date;

(5) A description of all post-closure monitoring and maintenance needed to ensure compliance with applicable requirements, including groundwater quality standards, including who will be responsible for performing the monitoring and maintenance; and

(6) A description of how notification will be given to all users of the facility of the termination of receipt of septage by the facility.

(c) At least 60 days prior to the planned cessation of facility operations, the permit holder shall provide the department and the municipality in which the facility is located, with written notice of the intent to close the facility.

(d) The notice shall include the following:

(1) The facility identification, including name, mailing address, location and permit number;

(2) The date the facility intends to stop receiving or processing septage;

(3) A copy of the facility’s approved closure plan or file reference thereto; and

- (4) The date the facility intends to begin closure activities and estimated closure completion date.
- (e) The permit holder shall notify the department and the municipality in which the facility is located, when closure is complete.
- (f) A the department shall approve a closure plan if, under the plan:
- (1) All wastes not permitted to remain at the facility following closure and all surface debris and litter will be removed from the facility to an authorized facility;
  - (2) Septage management equipment will be removed or decommissioned, except for equipment needed to meet the post-closure monitoring and maintenance obligations, if any, identified pursuant to (b)(5), above;
  - (3) Subject to (4), below, if the facility is not a land disposal facility, the facility site will be cleaned to its original condition of cleanliness;
  - (4) If it is impracticable to return the facility site to its original condition of cleanliness, whether because the character of the surrounding land use has changed, the original condition was in violation of state or federal environmental or public health requirements, or for any other reason, the permittee will clean the facility site so as to render it suitable for an alternate use consistent with local land use and zoning regulations or plans; and
  - (5) Post-closure monitoring and maintenance will be undertaken as required to assure the facility is closed in a manner to not adversely affect the environment, public health or safety, as identified pursuant to (b)(5), above.

Env-Wq 1609.11 Soil Testing for Facilities.

- (a) Soil test pit(s) shall be taken initially, at a depth of at least 48 inches, within the footprint of the proposed facility for each soil mapping unit shown on the soil map required by Env-Wq 1609.01(c)(5).
- (b) One soil test pit shall be taken, at a depth of at least 4 feet, for each area proposed for stockpiling.
- (c) An analysis of the soil test pits required in (a) and (b) above shall be performed and shall include a description of the soil profile characteristics, depth to seasonal high water table, and depth to bedrock or other restrictive layer.

Env-Wq 1609.12 Record Keeping.

- (a) Each facility permit holder shall maintain records of each load of septage received at the facility, including identification of:
- (1) The date received;
  - (2) The name of the hauler and the permit number of the hauler delivering the load;
  - (3) The volume of each load of septage received, in gallons; and
  - (4) The disposition of the material.
- (b) Facility plans, management plans, closure plans, and records shall be maintained by the permit holder, and shall be available to the department for review during all regular department business hours. If the department believes that violations of RSA 485-A or these rules relative to septage management have occurred, the department shall require the permit holder to submit copies of all records within 15 working days of said request.

(c) The facility permit holder shall retain all facility plans, management plans, closure plans, and records generated during the period of permitted activity for a minimum of 5 years after closure of the facility.

Env-Wq 1609.13 Reporting.

(a) The facility permit holder shall report orally all complaints to the department within one business day of receipt of a complaint. A written submission shall be provided within 5 calendar days of the complaint and shall contain a description of the complaint, including exact dates, times, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the concern.

(b) Each facility permit holder shall submit an annual report to the department by the last business day of January for each previous calendar year in which the permit is valid, regardless of whether or not the facility received or processed septage during the previous calendar year.

(c) The annual report shall contain the following information:

- (1) The name and address of the facility;
- (2) The permit number;
- (3) The name of the permit holder;
- (4) The total volume of septage, in gallons, received at the facility from each hauler; and
- (5) The disposition of all material that was received, including total volume, in gallons, delivered to permitted land application sites, or the total volume processed or treated, as applicable.

(d) If any of the information differs from that previously supplied to the department concerning the activity, the permit holder shall note those differences in the annual report.

(e) Every wastewater treatment facility operator responsible for reporting to the department the amount of septage received monthly shall also submit an annual report to the department by the last business day of January for each previous calendar year indicating the total volume of septage, in gallons, received at the facility from each septage hauler.

(f) The wastewater treatment facility operator shall report all septage hauler usage revocations to the department within 48 hours of termination of the hauler's disposal privileges. The hauler shall report reinstatement of disposal privileges to the department in writing within 5 days.

(g) If the annual report is not submitted to the department by the last business day in January, the department shall proceed in accordance with Env-Wq 1603.09 to suspend or revoke the permit, or to issue a letter of deficiency in the case of wastewater treatment facilities.

PART Env-Wq 1610 - RESERVED

PART Env-Wq 1611 INNOVATIVE/ALTERNATIVE SEPTAGE TREATMENT REQUIREMENTS

Env-Wq 1611.01 Purpose and Scope.

(a) The purpose of this part is to provide the methodology and review process for the approval of innovative/alternative (I/A) septage treatment systems.

(b) This part shall apply to proposed septage treatment system technology not described elsewhere in Env-Wq 1600.

Env-Wq 1611.02 Innovative/Alternative Application.

- (a) A person proposing to undertake septage management activities using I/A technology shall apply for an I/A permit.
- (b) To apply for an I/A permit, the applicant shall submit:
- (1) The information required by Env-Wq 1611.03;
  - (2) The fee specified in Env-Wq 1611.06;
  - (3) The plans, maps, and other information specified in (c), below; and
  - (4) The certifications specified in (d) and (e), below.
- (c) The following shall be submitted with the application:
- (1) If applicable, site or facility plans and specifications for construction and closure stamped by a professional engineer registered in the State of New Hampshire;
  - (2) The facility plan prepared in accordance with Env-Wq 1611.08;
  - (3) The management plan prepared in accordance with Env-Wq 1611.09;
  - (4) A copy of the site-specific soil map or survey prepared in accordance with the Site-Specific Soil Mapping Standards for New Hampshire and Vermont, Society of Soil Scientists of Northern New England Special Publication No. 3, dated February 2011, available as noted in Appendix B, with the area(s) of proposed activity clearly delineated, including a description of each soil type found on the site;
  - (5) A legible copy or computer generated version of the most recent USGS map showing the location of the site or facility with the latitude and longitude specified;
  - (6) Written verification from:
    - a. Depending upon jurisdiction, the New Hampshire department of resources and economic development, U.S. Fish and Wildlife Service, or the New Hampshire department of fish and game indicating whether threatened or endangered species exist on the site;
    - b. The department's water supply engineering bureau indicating whether the proposed activity is within a classified GAA or GA-1 groundwater protection area and, if so, any written recommendations concerning the proposed project; and
    - c. The department's rivers coordinator if the proposed project is within jurisdiction of any river or segment designated under RSA 483 and if so, any written recommendations concerning the proposed project.
  - (7) A copy of the facility closure plan as specified in Env-Wq 1611.11;
  - (8) A list of all other state permits which are required for the proposed site or facility and evidence that applications for those permits have been submitted; and
  - (9) The name and address of the locally-accessible place where all the information required in Env-Wq 1611.02 can be reviewed.
- (d) A statement signed by the applicant certifying that:

- (1) The applicant has complied with the notification requirements of Env-Wq 1604.01;
- (2) All operators of the site or facility have been instructed on the requirements of Env-Wq 1600 or shall be instructed prior to working at the site or facility;
- (3) A copy of the application has been given to the governing body of the municipality in which the activity is proposed to occur;
- (4) The information submitted is accurate; and
- (5) The applicant has not been convicted of a misdemeanor under any statute administered by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application.

(e) If the applicant is not the property owner, the application shall be accompanied by a written statement signed by the property owner stating that the property owner is aware the application is being filed and has given permission to the applicant to file the application and to enter upon the land for purposes of site investigation and operation of the facility in the event that the department issues the permit.

(f) Each application shall be submitted in duplicate.

(g) The applicant shall provide a copy of the application to the governing body of the municipality in which the activity is proposed to occur.

Env-Wq 1611.03 Innovative/Alternative Application Form. An applicant for an I/A permit shall provide the following information on a form obtained from the department:

- (a) The name, mailing address, and daytime telephone number of the applicant if an individual;
- (b) The name, mailing address, and telephone number of the applicant's business;
- (c) The name and telephone number of the person who can be reached in case of emergency;
- (d) The location of the proposed site or facility, including street address, tax map and lot number, and current deed reference;
- (e) The name, mailing address, and telephone number of each operator of the site or facility including each person's responsibility as it pertains to the regulated activities;
- (f) The types of septage management activities being proposed including but not limited to processing, stockpiling, storing, or treating of septage;
- (g) A description of the intended capacity and life of the site or facility;
- (h) A description of the use of the land on which the site or facility is proposed covering 5 years immediately prior to submission of the application;
- (i) A description of the proposed I/A system;
- (j) All operational reports, patent information, technical reports, and laboratory reports published about the proposed I/A system, even if the information might in whole or in part reflect negatively on the system;
- (k) A description of any advantages of the proposed system over conventional systems in the prevention of health hazards, surface and groundwater pollution, and any other environmental benefits;

(l) A description of the possible risks to public health, surface or ground waters, or other aspects of the environment of using the proposed I/A system;

(m) The names, addresses, and phone numbers of at least 3 individuals who have experience in the design or operation of the same type of system, if available;

(n) The proposed system's affect on the footprint of land required for the operation;

(o) A list of any rules under Env-Wq 1600 for which waivers will be required; and

(p) A list of site locations where the system has been used, whether successfully or not.

Env-Wq 1611.04 Expiration of an I/A Permit. An I/A permit issued by the department shall expire 10 years from the date on which it was issued.

Env-Wq 1611.05 Renewal of an I/A Permit. Any person to whom an I/A permit has been issued who wishes to renew the permit shall apply pursuant to Env-Wq 1603.12 and submit the permit fee required by Env-Wq 1611.06 to the department prior to expiration of the permit.

Env-Wq 1611.06 I/A Permit Fee.

(a) Subject to (b) and (c) below, a nonrefundable fee in the amount of \$1,000 shall be paid for each application for issuance or renewal of an I/A permit to mix, treat, process, or dispose of septage.

(b) Any New Hampshire political subdivision that applies for an I/A permit shall be exempt from the fee specified in (a) above.

(c) Any I/A site or facility that has a written agreement to accept septage from a municipality in compliance with RSA 485-A:5-b shall be allowed a \$200 reduction in the fee specified in (a) above, for each municipality with a maximum reduction of \$1,000 for 5 municipalities.

(d) The fee, if paid by check or money order, shall be made payable to "Treasurer - State of NH."

Env-Wq 1611.07 Criteria for Review. The department shall issue or renew an I/A permit if it determines that the following criteria have been met:

(a) All applicable requirements of the rules have been met;

(b) All other state permits which are necessary for the construction and operation of the facility have been received;

(c) Management of septage at the facility, in accordance with the application, does not violate any statutes or rules implemented by the department;

(d) The applicant has not been convicted of a misdemeanor under any statute administered by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application;

(e) The applicant has paid all fees and administrative fines owed to the department and all civil or criminal penalties owed to the State as a result of a violation of a law administered by the department;

(f) The septage management activities which will be conducted at the facility do not adversely affect threatened or endangered species, classified groundwater protection areas, or any river or segment designated under RSA 483;

(g) As compared to a conventional system, the proposed I/A system will:

- (1) Function as well or better; and
  - (2) Be at least as protective of the environment;
- (h) The proposed I/A system shall not include open storage, stockpiling, or load transfer which could create odors; and
- (i) The proposed I/A system shall:
- (1) Have no discharge to the site; or
  - (2) Meet at least 2 of the following criteria:
    - a. The system includes a septic system permitted under RSA 485-A:29-44 and Env-Ws 1000 sized for less than 20,000 gallons per day of flow;
    - b. The proposed facility will produce EQ solids; or
    - c. If there is on-site discharge of filtrate from any dewatering process to other than a septic system as indicated in a., above, the filtrate shall meet EQ standards.

Env-Wq 1611.08 Facility Plan. The plan required under Env-Wq 1611.02(c)(2) shall:

- (a) Be at a scale appropriate to show all information contained on the plan clearly; and
- (b) Show the following:
  - (1) A locus map which identifies the proposed site or facility location and details the proposed route of access to and onto the site;
  - (2) The total available land area, in acres, and the specific acres to be used for I/A operations, including proposed stockpile, holding or storage tank locations;
  - (3) All access roads and access control measures, including perimeter fencing and setback zones;
  - (4) All roads, property lines, structures whether on or off the property, and all easements or rights-of-way which exist on the property;
  - (5) All proposed measures to control surface runoff to or from the site or facility and stockpile locations, if applicable;
  - (6) All surrounding land use within 600 feet of the site or facility footprint;
  - (7) All soil test pit locations;
  - (8) The approximate location of and distance to all dwellings, structures, and water supply wells within 300 feet of the I/A site or facility;
  - (9) The names and mailing addresses of all abutters;
  - (10) The name and location of all surface waters within 1/4 mile of the site or facility, including their designated river classification, under RSA 483, New Hampshire rivers management and protection program, if applicable;
  - (11) The scale of the plan;
  - (12) An arrow indicating which direction on the plan is north;



(13) The location of all poorly and very poorly drained soils; and

(14) If applicable, the location of the groundwater discharge or monitoring zone as described in Env-Wq 1615.02.

Env-Wq 1611.09 Management Plan. The management plan required under Env-Wq 1611.02(c)(3) shall include the following information:

- (a) The normal hours of operation of the I/A facility;
- (b) Stockpiling, storage or holding tank provisions, if applicable;
- (c) The volume of septage, in gallons, expected on a periodic basis, such as daily, weekly, or monthly;
- (d) The volume of septage, in gallons, expected over the entire life expectancy of the I/A facility, if applicable;
- (e) Additional on-site measures to be taken to control vectors;
- (f) A detailed odor control plan explaining:
  - (1) The procedures that shall be used to address and resolve any odor complaints;
  - (2) Additional management techniques employed to minimize odors; and
  - (3) The name, address, and telephone number of the individual(s) who will be responsible for responding to odor complaints;
- (g) A copy of the I/A facility contingency plan describing the course(s) of action to be followed in case of emergency or other special conditions, such as:
  - (1) Equipment breakdowns;
  - (2) Fire;
  - (3) Vectors;
  - (4) Explosion;
  - (5) Spills;
  - (6) Receipt or release of hazardous or toxic materials or substances;
  - (7) Groundwater or surface water contamination or odors attributable to an I/A facility; and
  - (8) Other incidents that could threaten public health or safety or the environment; and
- (h) A description of how all operators of the facility were or shall be instructed on the applicable requirements prior to working at the facility.

Env-Wq 1611.10 I/A Facility Standards.

(a) An I/A facility for the treatment or processing of septage shall be designed and constructed in accordance with applicable requirements of TR-16, "Guides for the Design of Wastewater Treatment Works" by the New England Interstate Water Pollution Control Commission, 2011, available as noted in Appendix B.

(b) An I/A septage composting facility shall be designed, constructed, operated, and closed in accordance with the requirements of Env-Sw 600 relative to composting facilities.

(c) The facility shall operate in such a manner so as to minimize the impact on abutters and the surrounding community from odors, vehicle traffic, and dust.

(d) An I/A facility shall:

(1) Be posted with signs which:

- a. Contain the name and telephone number of the operator;
- b. Contain the name and address of the owner or lessee of the property;
- c. Shall be posted at gates, bars, and commonly used entrances; and
- d. State: "Septage Treatment Facility" printed with block letters not less than 2 inches in height.

(2) Restrict access by the installation of a locked gate or cable;

(3) Be operated such that odors from the site or facility are minimized;

(4) Be maintained in a clean and orderly fashion to minimize attraction of vectors; and

(5) Be closed in accordance with Env-Wq 1611.11.

(e) Subject to (f) and (g), below, no person shall situate or operate an I/A site or facility within the setback distances specified in Table 1611-1:

Table 1611-1: I/A Facility Setback Distances (in feet)

Water Supplies:	
Nearest Well	500 <sup>a</sup>
Surface Drinking Water Source	500 <sup>a</sup>
Surface Water:	
Designated river under RSA 483	250 <sup>c</sup>
Other surface water	125
Non-Tidal Drainage Ditch	100
Nearest Residential Off-site Dwelling	300 <sup>b</sup>
Property Line	100 <sup>c</sup>
Groundwater Depth	2 <sup>d</sup>
Bedrock / Restrictive Layer	4

(f) The following notes shall apply to Table 1611-1:

(1) The letter "a" shall indicate that the distance to the nearest water supply may be reduced based on a hydrological evaluation performed by a professional geologist or professional engineer that demonstrates that a lesser distance will not result in any degradation to drinking water at the well or surface water source;

(2) The letter "b" shall indicate that the distance to the nearest residential off-site dwelling shall be as far as practical beyond 300 feet, but may be reduced below 300 feet with the owner's prior written consent;

(3) The letter “c” shall indicate that the distance to the nearest property line shall be as far as practical beyond 100 feet, but may be reduced below 100 feet with the owner’s prior written consent;

(4) The letter “d” shall indicate that the distance to the seasonal high water table shall be at least 2 feet; and

(5) The letter “e” shall indicate that all septage land applied within ¼ mile of a designated river shall be immediately incorporated into the soil or injected in accordance with RSA 483:9.

(g) No person shall store, hold, or stockpile septage at an I/A facility within the setback areas specified in Table 1609-2, subject to Env-Wq 1609.09(i) through (n).

Env-Wq 1611.11 Closure Plan.

(a) The applicant for an I/A facility shall submit a closure plan to the department for approval as part of the site or facility permit application as specified in Env-Wq 1611.02(c)(7).

(b) The closure plan shall include the following:

(1) The I/A facility identification, including name, mailing address, location, and permit number, if applicable;

(2) A description of the proposed procedures for removing all septage material from the facility, if applicable, and the intended final disposition of the materials;

(3) A description of any proposed site work that will be performed to regrade and or revegetate the area;

(4) The schedule of closure activities and anticipated closure date; and

(5) A description of how notification shall be given to all users of the facility of the termination of receipt of septage by the facility.

(c) At least 60 days prior to the planned cessation of I/A facility operations, the permit holder shall provide the department and the municipality in which the I/A facility is located with written notice of the intent to close the I/A facility.

(d) The notice shall include the following:

(1) The I/A facility identification, including permit number;

(2) The date the I/A facility intends to stop receiving and/or processing septage;

(3) A copy of the I/A facility’s approved closure plan or file reference thereto; and

(4) The date the I/A facility intends to begin closure activities and estimated closure completion date.

(e) The permit holder shall notify the department and the municipality in which the I/A facility is located when closure is complete.

Env-Wq 1611.12 Soil Testing for I/A Facilities.

(a) Soil test pit(s) shall be taken initially, at a depth of at least 48 inches, within the footprint of the proposed I/A facility for each soil mapping unit shown on the soil map required by Env-Wq 1611.02(c)(4).

(b) One soil test pit shall be taken, at a depth of at least 4 feet, for each area proposed for stockpiling.

(c) An analysis of the soil test pits required in (a) and (b) above shall be performed and shall include a description of the soil profile characteristics, depth to seasonal high water table, and depth to bedrock or other restrictive layer.

Env-Wq 1611.13 Record Keeping.

(a) Every I/A septage treatment system permit holder shall maintain records of each load of septage received at the site or facility, including identification of:

- (1) The date received;
- (2) The name and the permit number of the hauler delivering the load;
- (3) The volume of each load of septage received, in gallons; and
- (4) The disposition of the material.

(b) Facility plans, management plans, closure plans, and records shall be maintained by the permit holder, and shall be available to the department for review during all regular department business hours. If the department believes that violations of RSA 485-A or these rules relative to septage management have occurred, the department shall require the permit holder to submit copies of all records within 48 hours of said request.

(c) The facility permit holder shall retain all facility plans, management plans, closure plans, and records generated during the period of permitted activity for a minimum of 5 years after closure of the facility.

Env-Wq 1611.14 Reporting.

(a) The I/A septage treatment system permit holder shall report all complaints to the department orally within one business day of receipt of a complaint. A written submission shall be provided within 5 calendar days of the complaint and shall contain a description of the complaint, including exact dates, times, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the concern.

(b) Every I/A permit holder shall submit an annual report to the department by the last business day of January for each previous calendar year in which the permit is valid, regardless of whether or not the site or facility received or processed septage during the previous calendar year.

(c) The annual report shall contain the following information:

- (1) The name and address of the I/A facility;
- (2) The permit number;
- (3) The name of the permit holder;
- (4) The total volume of septage, in gallons, received from each hauler, by month; and
- (5) The disposition of all material that was received such as total volume, in gallons, by month, delivered to permitted land application sites, or the total volume processed or treated, as applicable.

(d) If any of the information differs from that previously supplied to the department concerning the activity, the permit holder shall note those differences in the annual report.

(e) If the annual report is not submitted to the department by the last business day in January, the department shall proceed in accordance with Env-Wq 1603.09 to suspend or revoke the permit.

## PART Env-Wq 1612 RESEARCH AND DEVELOPMENT PERMIT REQUIREMENTS

Env-Wq 1612.01 Purpose and Scope.

- (a) The purpose of this part is to provide the methodology and review process for the approval of a research and development (R&D) septage treatment project.
- (b) An R&D permit shall apply to an R&D project, as defined in Env-Wq 1602.35.
- (c) An R&D permit shall not be required to conduct bench scale R&D projects within a building or other location used for research studies, provided that practices do not endanger human health or the environment.

Env-Wq 1612.02 Applicable Requirements and Limitations.

- (a) A qualified third party, such as but not limited to a professional engineer, professional geologist, or university, agreed upon by the department shall review the results of R&D projects for which an R&D permit has been issued.
- (b) An R&D permit shall be subject to the provisions of Env-Wq 1603.10 for permit transfer.
- (c) An R&D permit shall be subject to the provisions of Env-Wq 1603.12 for modification, including renewal.
- (d) All sites and facilities resulting from successful R&D projects shall be subject to all requirements in Env-Wq 1600 as applicable.

Env-Wq 1612.03 Research and Development Permit Application.

- (a) An applicant for a research and development permit shall provide the following information on a form obtained from the department:
  - (1) The name(s), mailing address(es), daytime telephone number(s) and qualifications of the investigator(s) who will be undertaking the project, including designation of the lead investigator who will have overall primary responsibility for the project;
  - (2) If the project will occur at a site or facility which holds a permit issued by the department, identification of the site or facility by name, location including street and municipality, and permit number;
  - (3) If the project will occur at a location other than an already permitted site or facility, identification of the location including the street address and municipality;
  - (4) The name(s) and mailing address(es) of the person(s) providing funding for the project;
  - (5) Identification of the third party that will review the results of the project pursuant to Env-Wq 1612.02(a);
  - (6) A proposal for the scope of the project, including:
    - a. The type(s) and quantity of wastes to be studied;
    - b. The process to be studied;
    - c. If the project relates to activities at a permitted facility, a description of how the study so relates;

- d. The anticipated results of the study; and
  - e. The length of time requested for the study;
- (7) A description of how and when the wastes used in the study will be ultimately disposed or re-used;
  - (8) A description of how the site or facility will be closed upon completion of the project; and
  - (9) The schedule for closure.
- (b) Each application shall be:
    - (1) Signed by the applicant; and
    - (2) Submitted in duplicate.

Env-Wq 1612.04 R&D Permit Expiration. An R&D permit shall be issued for a limited time period not to exceed the time period required to complete the studies and implement closure, as applicable, based on a schedule provided in the permit application.

Env-Wq 1612.05 Criteria for Review. The department shall issue or renew an R&D permit if it determines that the following criteria have been met:

- (a) All other state permits which are necessary for the construction and operation of the R&D facility have been applied for;
- (b) The permit holder has not been convicted of a misdemeanor under any statute administered by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application;
- (c) The permit holder has paid all fees and administrative fines owed to the department and all civil or criminal penalties owed to the State as a result of a violation of a law administered by the department; and
- (d) The septage management activities which will be conducted at the facility do not adversely affect threatened or endangered species, classified groundwater protection areas, or any river or segment designated under RSA 483.

Env-Wq 1612.06 R&D Project Standards.

- (a) An R&D project shall operate in such a manner so as to minimize the impact on abutters and the surrounding community from odors, vehicle traffic, and dust.
- (b) An R&D project shall:
  - (1) Be posted with signs which:
    - a. Contain the name and telephone number of the operator;
    - b. Contain the name and address of the owner or lessee of the property;
    - c. Shall be posted at gates, bars, and commonly used entrances; and
    - d. State: "Septage Treatment Research (Site) Facility" printed with block letters not less than 2 inches in height.
  - (2) Restrict access by the installation of a locked gate or cable;

- (3) Be operated such that odors from the site or facility are minimized;
- (4) Be maintained in a clean and orderly fashion to minimize attraction of vectors; and
- (5) Be closed in accordance with Env-Wq 1609.10.

(c) Subject to (d) and (e) below, no person shall situate or operate an R&D project within the setback distances specified in Table 1612-1:

Table 1612-1: R&D Project Setback Distances (in feet)

Water Supplies:	
Nearest Well	500 <sup>a</sup>
Surface Drinking Water Source	500 <sup>a</sup>
Surface Water:	
Designated river under RSA 483	250 <sup>e</sup>
Other surface water	125
Non-Tidal Drainage Ditch	100
Nearest Residential Off-site Dwelling	300 <sup>b</sup>
Property Line	100 <sup>c</sup>
Groundwater Depth	2 <sup>d</sup>
Bedrock / Restrictive Layer	4

(d) The following notes shall apply to Table 1612-1:

- (1) The letter “a” shall indicate that the distance to the nearest water supply may be reduced based on a hydrological evaluation performed by a professional geologist or professional engineer that demonstrates that a lesser distance will not result in any degradation to drinking water at the well or surface water source;
- (2) The letter “b” shall indicate that the distance to the nearest residential off-site dwelling shall be as far as practical beyond 300 feet, but may be reduced below 300 feet with the owner's prior written consent;
- (3) The letter “c” shall indicate that the distance to the nearest property line shall be as far as practical beyond 100 feet, but may be reduced below 100 feet with the owner's prior written consent, or based on local setback requirements;
- (4) The letter “d” shall indicate that the distance to the seasonal high water table shall be at least 2 feet; and
- (5) The letter “e” shall indicate that all septage land applied within ¼-mile of a designated river shall be immediately incorporated into the soil or injected in accordance with RSA 483:9.

(e) No person shall store, hold, or stockpile septage at a R&D facility within the setback areas specified in Table 1609-2, subject to Env-Wq 1609.09(i) through (n).

Env-Wq 1612.07 Reporting Requirements for a R&D Project. The R&D project permit holder shall:

- (a) Submit an annual report to the department by the last business day of January for each previous calendar year in which the permit is valid, prepared by the lead investigator, which summarizes the work completed and provides a summary of all data generated;

(b) Within 3 months following the termination of the project, submit to the department a project summary report prepared by the lead investigator including a summary of the project, a summary of all data generated, and a discussion of the results of the study;

(c) Submit a copy of any articles or drafts of articles if the project will be the subject of an article for publication; and

(d) Submit copies of all data generated when required to support any project finding that will be used to obtain another permit, permit exemption, permit modification or waiver to any solid waste or hazardous waste rule.

#### PART Env-Wq 1613 EQ CERTIFICATION REQUIREMENTS

Env-Wq 1613.01 EQ Certification Application. To apply for EQ certification, the applicant shall provide the following information:

(a) The name and address of the treatment facility which has generated or will generate the EQ solids or EQ filtrate;

(b) The name, title, and telephone number of the operator of the treatment facility;

(c) The quantity of EQ solids, in cubic yards, or EQ filtrate, in gallons, expected to be produced monthly by the treatment facility;

(d) A description of the process to achieve EQ pathogen and vector attraction reduction requirements, including the applicable 40 CFR part 503 citation; and

(e) A solids and filtrate quality report including the following:

(1) A description of the treatment facility and solids and filtrate treatment process;

(2) A chronological summary of analytical data from the previous 3 years, if available, for the required parameters, presented in tabular format; and

(3) The results of testing required in Env-Wq 1613.05(d), including:

a. Laboratory reports; and

b. A tabular summary of the results.

#### Env-Wq 1613.02 EQ Certification Fee.

(a) Each application for EQ certification shall be:

(1) Submitted in duplicate; and

(2) Accompanied by a fee in the amount of \$100, unless included as part of an innovative/alternative septage treatment facility application as specified in Env-Wq 1611.

(b) Fees, if paid by check or money order, shall be made payable to "Treasurer - State of NH."

(c) Political subdivisions whose facilities are permitted by the department under RSA 485-A:13 shall be exempt from the fee specified in (a) above.

Env-Wq 1613.03 Criteria for Review. The department shall issue an EQ certification to the applicant if it determines that the information submitted demonstrates that the solids and filtrate:



- (a) Is not a hazardous waste as defined in RSA 147-A:2, VII;
- (b) Consistently meets the EQ pathogen and vector attraction requirements specified in the application;
- (c) For solids, does not exceed the following concentrations, expressed as the total concentration on a dry weight basis:
  - (1) For arsenic, 32 mg/kg;
  - (2) For cadmium, 14 mg/kg;
  - (3) For chromium, 1000 mg/kg;
  - (4) For copper, 1500 mg/kg;
  - (5) For lead, 300 mg/kg;
  - (6) For mercury, 10 mg/kg;
  - (7) For molybdenum, 35 mg/kg;
  - (8) For nickel, 200 mg/kg;
  - (9) For selenium, 28 mg/kg; and
  - (10) For zinc, 2500 mg/kg;
- (d) For filtrate, does not exceed the following concentrations:
  - (1) For arsenic, 0.4 mg/l;
  - (2) For cadmium, 0.2 mg/l;
  - (3) For chromium, 12.0 mg/l;
  - (4) For copper, 12.0 mg/l;
  - (5) For lead, 8.0 mg/l;
  - (6) For mercury, 0.2 mg/l;
  - (7) For molybdenum, 0.7 mg/l;
  - (8) For nickel, 4.0 mg/l;
  - (9) For selenium, 4.0 mg/l;
  - (10) For zinc, 20.0 mg/l; and
  - (11) For nitrate, 10.0 mg/l; and
- (e) Is of sufficiently consistent quality such that for the constituents in (c) and (d) above, the mean concentration for data submitted under Env-Wq 1613.01(e) plus one standard deviation from the mean does not exceed 1.5 times the concentration specified in (c) or (d) above.

Env-Wq 1613.04 Expiration of EQ Certification. EQ certifications shall expire 5 years from the date of issuance.

Env-Wq 1613.05 Testing.

- (a) Subject to (b), below, upon submitting an application for EQ certification, or both, the applicant shall submit the results of the analyses of at least 4 representative samples of solids or filtrate from the

treatment facility, taken at least 60 days apart within the 12 months prior to the date of application and analyzed for the constituents in (d) below.

(b) For batch processes or specified quantity of septage or filtrate, a representative composite sample from each batch or specified quantity shall be collected on a one time basis and analyzed for the constituents in (d) below.

(c) Samples taken pursuant to (a), above, shall be collected in accordance with the procedures described in:

(1) "POTW Sludge Sampling And Analysis Guidance Document" by the U.S. Environmental Protection Agency, dated August 1989 for solids, available as noted in Appendix B; or

(2) "Standard Methods for the Examination of Water and Wastewater" by the Water Environment Federation, 22<sup>nd</sup> Edition, 2012, for filtrate, available as noted in Appendix B.

(d) Septage solids or filtrate collected according to (a) or (b), above shall be analyzed for the volatile organic and semi-volatile organic compounds listed in Table 1613-1 and the metals and additional analyses listed in Table 1613-2, in accordance with the methods specified:

Table 1613-1: Compounds, Methods, Chemical Abstract Service Registration Number (CAS), and Detection Limits

#	Compound	CAS	Analytical Method	Detection Limit (mg/kg)
Section A - Volatile Organic Compounds				
1	Dichlorodifluoromethane	75-71-8	SW846 - 8000 series	1.0
2	Chloromethane	74-87-3	SW846 - 8000 series	0.7
3	Vinyl chloride	75-01-4	SW846 - 8000 series	0.4
4	Bromomethane	74-83-9	SW846 - 8000 series	0.3
5	Chloroethane	75-00-3	SW846 - 8000 series	1.0
6	Trichlorofluoromethane	75-69-4	SW846 - 8000 series	1.0
7	Diethyl ether	60-29-7	SW846 - 8000 series	5.0
8	Acetone	67-64-1	SW846 - 8000 series	5.0
9	1,1-Dichloroethene	75-35-4	SW846 - 8000 series	0.5
10	Methylene chloride	75-09-2	SW846 - 8000 series	0.1
11	Carbon disulfide	75-15-0	SW846 - 8000 series	0.2
12	Methyl-tert-butylether (MTBE)	1634-04-4	SW846 - 8000 series	2.0
13	trans-1,2-Dichloroethene	156-60-5	SW846 - 8000 series	1.0
14	1,1-Dichloroethane	75-34-3	SW846 - 8000 series	1.0
15	2-Butanone (MEK)	78-93-3	SW846 - 8000 series	1.0
16	2,2-Dichloropropane	590-20-7	SW846 - 8000 series	1.0
17	cis-1,2-Dichloroethene	156-59-2	SW846 - 8000 series	1.0
18	Chloroform	67-66-3	SW846 - 8000 series	0.1
19	Bromochloromethane	74-97-5	SW846 - 8000 series	1.0
20	Tetrahydrofuran (THF)	109-99-9	SW846 - 8000 series	1.0
21	1,1,1-Trichloroethane	71-55-6	SW846 - 8000 series	1.0
22	1,1-Dichloropropene	563-58-6	SW846 - 8000 series	1.0
23	Carbon tetrachloride	56-23-5	SW846 - 8000 series	1.0
24	1,2-Dichloroethane	107-06-2	SW846 - 8000 series	0.08
25	Benzene	71-43-2	SW846 - 8000 series	0.30
26	Trichloroethene	79-01-6	SW846 - 8000 series	0.8

#	Compound	CAS	Analytical Method	Detection Limit (mg/kg)
27	1,2 Dichloropropane	78-87-5	SW846 - 8000 series	0.1
28	Dichlorobromomethane	75-27-4	SW846 - 8000 series	0.02
29	Dibromomethane	74-95-3	SW846 - 8000 series	1.0
30	4-Methyl-2-pentanone (MIBK)	108-10-1	SW846 - 8000 series	1.0
31	cis-1,3-Dichloropropene	10061-01-5	SW846 - 8000 series	0.5
32	Toluene	108-88-3	SW846 - 8000 series	1.0
33	trans-1,3-Dichloropropene	10061-02-6	SW846 - 8000 series	0.5
34	1,1,2-Trichloroethane	79-00-5	SW846 - 8000 series	0.1
35	2-Hexanone	591-78-6	SW846 - 8000 series	5.0
36	1,3-Dichloropropane	142-28-9	SW846 - 8000 series	1.0
37	Tetrachloroethene	127-18-4	SW846 - 8000 series	1.0
38	Dibromochloromethane	128-48-1	SW846 - 8000 series	0.01
39	1,2-Dibromoethane	106-93-4	SW846 - 8000 series	0.09
40	Chlorobenzene	108-90-7	SW846 - 8000 series	1.0
41	1,1,1,2-Tetrachloroethane	630-20-6	SW846 - 8000 series	1.0
42	Ethylbenzene	100-41-4	SW846 - 8000 series	1.0
43	m & p-Xylene	108-38-3 106-42-3	SW846 - 8000 series	10
44	o-Xylene	95-47-6	SW846 - 8000 series	5.0
45	Styrene	100-42-5	SW846 - 8000 series	1.0
46	Bromoform	75-25-2	SW846 - 8000 series	0.1
47	Isopropylbenzene	98-82-8	SW846 - 8000 series	5.0
48	1,1,2,2-Tetrachloroethane	79-34-5	SW846 - 8000 series	0.02
49	1,2,3-Trichloropropane	96-18-4	SW846 - 8000 series	1.0
50	n-Propylbenzene	98-06-6	SW846 - 8000 series	5.0
51	Bromobenzene	108-86-1	SW846 - 8000 series	1.0
52	1,3,5-Trimethylbenzene	108-67-8	SW846 - 8000 series	5.0
53	2-Chlorotoluene	95-49-8	SW846 - 8000 series	1.0
54	4-Chlorotoluene	106-43-4	SW846 - 8000 series	1.0
55	tert-Butylbenzene	104-51-8	SW846 - 8000 series	5.0
56	1,2,4-Trimethylbenzene	95-63-6	SW846 - 8000 series	5.0
57	sec-Butylbenzene	135-98-8	SW846 - 8000 series	5.0
58	p-Isopropyltoluene	99-87-6	SW846 - 8000 series	5.0
59	1,3-Dichlorobenzene	541-73-1	SW846 - 8000 series	5.0
60	1,4-Dichlorobenzene	106-46-7	SW846 - 8000 series	5.0
61	n-Butylbenzene	104-51-8	SW846 - 8000 series	5.0
62	1,2-Dichlorobenzene	95-50-1	SW846 - 8000 series	5.0
63	1,2-Dibromo-3-chloropropane	96-12-8	SW846 - 8000 series	0.02
64	1,2,4-Trichlorobenzene	120-82-1	SW846 - 8000 series	2.0
65	Hexachlorobutadiene	87-68-3	SW846 - 8000 series	0.2
66	Naphthalene	91-20-3	SW846 - 8000 series	5.0
67	1,2,3-Trichlorobenzene	87-61-6	SW846 - 8000 series	2.0
Section B - Semi-volatile Compounds				
68	1,2-Diphenylhydrazine (as Azobenzene)	122-66-7	SW846 - 8000 series	1.7
69	2,4,5-Trichlorophenol	95-95-4	SW846 - 8000 series	5.0
70	2,4,6-Trichlorophenol	88-06-2	SW846 - 8000 series	1.7
71	2,4-Dichlorophenol	120-83-2	SW846 - 8000 series	1.7
72	2,4-Dimethylphenol	105-67-9	SW846 - 8000 series	2.0

#	Compound	CAS	Analytical Method	Detection Limit (mg/kg)
73	2,4-Dinitrophenol	51-28-5	SW846 - 8000 series	12
74	2,4-Dinitrotoluene	121-14-2	SW846 - 8000 series	1.7
75	2,6-Dinitrotoluene	606-20-2	SW846 - 8000 series	1.7
76	2-Chloronaphthalene	91-59-7	SW846 - 8000 series	10
77	2-Chlorophenol	95-97-8	SW846 - 8000 series	2.0
78	2-Methylnaphthalene	91-57-6	SW846 - 8000 series	5.0
79	2-Methylphenol (o-Cresol)	95-48-7	SW846 - 8000 series	5.0
80	2-Nitroaniline	88-74-4	SW846 - 8000 series	5.0
81	2-Nitrophenol	88-75-5	SW846 - 8000 series	5.0
82	3,3'-Dichlorobenzidine	91-94-1	SW846 - 8000 series	4.0
83	3-Nitroaniline	99-09-2	SW846 - 8000 series	5.0
84	3&4-Methylphenol (m&p-Cresol)	106-44-5	SW846 - 8000 series	5.0
85	4,6-Dinitro-2-methylphenol	534-52-1	SW846 - 8000 series	12
86	4-Bromophenyl phenylether	85-68-7	SW846 - 8000 series	10
87	4-Chloro-3-methylphenol	59-50-7	SW846 - 8000 series	10
88	4-Chloroaniline	106-47-8	SW846 - 800 series	1.3
89	4-Chlorophenyl phenylether	7005-72-3	SW846 - 8000 series	10
90	4-Nitroaniline	100-01-6	SW846 - 8000 series	5.0
91	4-Nitrophenol	100-02-7	SW846 - 8000 series	12
92	Acenaphthene	83-32-9	SW846 - 8000 series	5.0
93	Acenaphthylene	208-96-8	SW846 - 8000 series	5.0
94	Anthracene	120-12-7	SW846 - 8000 series	5.0
95	Benzidine	92-87-5	SW846 - 8000 series	12
96	Benzo (a) anthracene	56-55-3	SW846 - 8000 series	1.7
97	Benzo (a) pyrene	50-32-8	SW846 - 8000 series	1.7
98	Benzo (b) fluoranthene	205-99-2	SW846 - 8000 series	5.0
99	Benzo (g,h,i) perylene	191-24-2	SW846 - 8000 series	5.0
100	Benzo (k) fluoranthene	207-08-9	SW846 - 8000 series	5.0
101	Bis (2-chloroethoxy) methane	111-91-1	SW846 - 8000 series	5.0
102	Bis (2-chloroethyl) ether	111-44-4	SW846 - 8000 series	1.7
103	Bis (2-chloroisopropyl) ether	39638-32-9	SW846 - 8000 series	2.0
104	Bis (2-ethylhexyl) phthalate	117-81-7	SW846 - 8000 series	5.0
105	Butyl Benzyl phthalate	85-68-7	SW846 - 8000 series	5.0
106	Carbazole	86-74-8	SW846 - 8000 series	1.7
107	Chrysene	218-01-9	SW846 - 8000 series	5.0
108	Di-n-butyl phthalate	84-74-2	SW846 - 8000 series	5.0
109	Di-n-octyl phthalate	117-84-0	SW846 - 8000 series	5.0
110	Dibenzo (a,h) anthracene	53-70-3	SW846 - 8000 series	1.7
111	Dibenzofuran	132-64-9	SW846 - 8000 series	5.0
112	Diethyl phthalate	84-66-2	SW846 - 8000 series	5.0
113	Dimethyl phthalate	131-11-3	SW846 - 8000 series	5.0
114	Fluoranthene	206-44-0	SW846 - 8000 series	5.0
115	Fluorene	86-73-7	SW846 - 8000 series	5.0
117	Hexachlorocyclopentadiene	77-47-4	SW846 - 8000 series	5.0
118	Hexachloroethane	67-72-1	SW846 - 8000 series	1.7
119	Indeno (1,2,3-cd) pyrene	193-39-5	SW846 - 8000 series	1.7
120	Isophorone	78-59-1	SW846 - 8000 series	2
121	N-Nitroso-di-n-propylamine	621-64-7	SW846 - 8000 series	2.0

#	Compound	CAS	Analytical Method	Detection Limit (mg/kg)
122	N-Nitrosodimethylamine	62-75-9	SW846 - 8000 series	4.0
123	N-Nitrosodiphenylamine	86-30-6	SW846 - 8000 series	2.0
124	Nitrobenzene	98-95-3	SW846 - 8000 series	2.0
125	Pentachlorophenol	87-86-5	SW846 - 8000 series	4.0
126	Phenanthrene	85-01-8	SW846 - 8000 series	5.0
127	Phenol	108-95-2	SW846 - 8000 series	5.0
128	Pyrene	129-00-0	SW846 - 8000 series	5.0

Table 1613-2 Compounds, Methods, Chemical Abstract Service Registration Number (CAS), and Detection Limits

#	Compound	CAS	Analytical Method	Detection Limit	
				mg/kg	mg/l
Section A - Metals					
1	Total Arsenic	7440-38-2	SW846 6000/7000 series	10	0.05
2	Total Cadmium	7440-43-9	SW846 6000/7000 series	1.0	0.01
3	Total Chromium	16065-83-1	SW846 6000/7000 series	10	0.10
4	Total Copper	7440-50-8	SW846 6000/7000 series	10	0.10
5	Total Lead	7439-92-1	SW846 6000/7000 series	11	0.10
6	Total Mercury	7439-97-6	SW846 7000series	0.05	0.01
7	Total Molybdenum	7439-98-7	SW846 6000/7000 series	18	0.05
8	Total Nickel	7440-02-0	SW846 6000/7000 series	10	0.10
9	Total Selenium	7782-49-2	SW846 6000/7000 series	18	0.10
10	Total Zinc	7440-66-6	SW846 6000/7000 series	10	0.10
Section B - Additional Analyses					
11	PH	na	SM-4500-H	na	na
12	Percent solids	na	SM-2540 G	na	na
13	nitrate-nitrite	14797-55-8 14797-65-0	SM-4500-NO <sub>3</sub> SW846 - 9210 EPA 353 -3000 series	30	2.0
14	Total Kjeldalh nitrogen	na	SM-4500-N <sub>org</sub> EPA-351.3	300	1.0
15	ammonia nitrogen	na	SM-4500-NH <sub>3</sub> EPA-350	30	1.0
16	Total organic nitrogen	na	calculation	na	na
17	Potassium	na	SM-3500-K SW846 6000/7000 series	15	1.0
18	Phosphorus	na	SM-4500-P,EPA-365	15	1.0

(e) The following notes shall apply to Table 1613-1 and Table 1613-2:

- (1) Except for (2) and (3), below, the detection limit for all the analyses shall be at or below the detection limits specific in the tables;
- (2) If the percent solids in a septage solids or filtrate sample is below 5%, the results shall be reported in mg/L and the detection limits shall be appropriate to the methodology specified in the tables for a water matrix;

(3) If the detection limit specified in the tables can not be achieved by the methodology listed, the department shall accept such detection limits which are routinely achievable; and

(4) The designation “na” means “not applicable”.

(f) The EQ certification holder shall analyze the solids or filtrate from its treatment facility at the frequencies specified in Table 1613-3, below, in accordance with the analytical methods and detection limits specified:

Table 1613-3: Frequency of Testing

Quantity of Processed Septage Solids on Annual Basis (cubic yards)	Quantity of Processed Filtrate on Annual Basis (gallons)	Metal Frequency	Fecal Coliform Frequency
0 – 300	0 – 500,000	Once per 180 days	Weekly
301– 600	500,001 – 1,000,000	Once per 180 days	Daily
>600	>1,000,000	Once per calendar quarter	Daily

(g) Additional testing shall be required by the department when results of testing conducted by the EQ certification holder or the department show that the requirements in Env-Wq 1613.03 have not been met.

(h) If additional testing is required under (g), above, the EQ certification holder and all end users shall cease use and distribution of the EQ solids or EQ filtrate until the additional testing, performed in accordance with (j), below, demonstrates that the EQ solids or EQ filtrate is acceptable to use according to the standards of Env-Wq 1613.03.

(i) No storage of EQ solids or EQ filtrate shall be allowed off the facility footprint while the additional testing performed under (h), above, is completed.

(j) The EQ certification holder shall undertake the following in accordance with the analytical procedures specified in (d), above:

(1) Collect and analyze representative samples of solids or filtrate from each storage structure for the constituent(s) of concern and submit results to the department for review and approval prior to further distribution;

(2) Increase the frequency of testing at the treatment facility for the compound(s) of concern to weekly; continue the weekly sampling until 4 successive weeks show that the concentration of the constituent(s) of concern meets the standards in Env-Wq 1613.03, as determined by the department; and

(3) After complying with (2) above, resume distribution and increase sampling frequency specified in Env-Wq 1613.05 to monthly for the constituent(s) of concern for 6 months.

(k) The department shall waive testing of a constituent if it determines, based on all available information, that the constituent is not present in the EQ solids or EQ filtrate.

Env-Wq 1613.06 Reporting. Every EQ certification holder shall submit an annual report by the last business day of January following the issuance of the certificate which contains the following information:

(a) The name and address of the treatment facility which generated the solids or filtrate;

(b) Name and daytime telephone number of the operator of the facility;

(c) The EQ certificate number;

- (d) The quantity of EQ solids, in cubic yards, or EQ filtrate generated, in gallons;
- (e) The results of all testing required by the department during the previous year, including laboratory results as required in Env-Wq 1613.01(e)(3); and
- (f) The proposed updated label as required under Env-Wq 1614.02, if applicable.

Env-Wq 1613.07 Renewal of an EQ Certification. Any person to whom an EQ certification was issued who wishes to renew the EQ certification shall reapply pursuant to Env-Wq 1613.01.

#### PART Env-Wq 1614 EQ SOLIDS AND EQ FILTRATE REQUIREMENTS

##### Env-Wq 1614.01 Requirements for Land Application.

- (a) A person who land applies EQ solids or EQ filtrate shall comply with the following:
  - (1) The application rate shall not exceed the annual application limits stated on the label required under Env-Wq 1614.02; and
  - (2) EQ solids or filtrate shall not be applied within 35 feet of surface water or within 250 feet of any river or segment designated under RSA 483.
- (b) In addition to (a), above, a person who land applies EQ solids or EQ filtrate on a contiguous area of more than 5 acres shall obtain and follow the nutrient recommendation from UNH cooperative extension, USDA Natural Resources Conservation Service, NH department of agriculture, markets and food, or other agricultural or crop advisors certified through the certified crop advisor program administered by the American Agronomy Society, for the application area.

##### Env-Wq 1614.02 Label Requirements.

- (a) A generator of EQ solids or EQ filtrate shall submit a proposed label to the department with the application for EQ certification, and with the annual report required under Env-Wq 1613.06.
- (b) The proposed label shall include the following:
  - (1) The name, address, and telephone number of the treatment facility where the EQ solids or EQ filtrate was produced;
  - (2) A brief description of the EQ solids or EQ filtrate product, including the process employed to treat or stabilize the solids or filtrate;
  - (3) Recommended uses and appropriate application rates;
  - (4) Average nutrient analysis of the final EQ solids or EQ filtrate product for nitrogen, phosphorus, and potassium based upon the analytical results required under Env-Wq 1613.05 from the previous year; and
  - (5) Average metals concentration for the 10 metals listed in Env-Wq 1613.03(c) or Env-Wq 1613.03(d), as applicable, based upon the analytical results required under Env-Wq 1613.05 from the previous year.
- (c) The department shall approve the label within 30 days of receipt if it determines that the information in the proposed label is complete and correct.

Env-Wq 1614.03 Record Keeping. The generator shall record the name and address of all persons receiving more than 20 cubic yards of EQ solids or more than 100,000 gallons of EQ filtrate during any one year.

## PART Env-Wq 1615 GROUNDWATER PROTECTION REQUIREMENTS

Env-Wq 1615.01 Applicability. Groundwater shall be monitored and regulated at all septage facilities in accordance with requirements of Env-Ws 1500 or Env-Wm 1403, as applicable.

Env-Wq 1615.02 Submittal Requirements.

(a) For a septage facility located within the groundwater discharge or management zone at a landfill, wastewater lagoon, or other location where a groundwater permit has been issued, information submitted to the department to obtain a groundwater permit in accordance with Env-Ws 1500 or Env-Wm 1403 shall be sufficient to meet requirements under these rules.

(b) For a septage facility not located within the groundwater discharge or management zone established by a groundwater permit, all information required for such a permit in accordance with Env-Ws 1500 or Env-Wm 1403, as applicable, shall be submitted as part of the facility permit application.

Env-Wq 1615.03 Hydrogeological Evaluations. All septage facility monitoring plans and hydrological evaluations shall be performed and stamped by a professional geologist or professional engineer in accordance with requirements of Env-Ws 1500 or Env-Wm 1403, as applicable.

## PART Env-Wq 1616 WAIVERS

Env-Wq 1616.01 Purpose and Applicability.

(a) The rules contained in this chapter are intended to apply to a variety of conditions and circumstances. It is recognized that strict compliance with all rules might not fit every conceivable situation.

(b) Any person may request a waiver from any provision established by Env-Wq 1600 in accordance with this part.

Env-Wq 1616.02 Waiver Requests.

(a) A request for a waiver shall be submitted in writing to the department.

(b) A request for a waiver shall include the following information:

(1) The name, mailing address, and daytime telephone number of the person requesting the waiver;

(2) The location of the property to which the waiver request relates, and its site or facility permit number, if applicable;

(3) A specific reference to the section of the rule for which a waiver is being sought and an explanation of why a waiver is necessary;

(4) A explanation of the alternatives that will be implemented if a waiver is granted, if any, with supporting data; and

(5) A full explanation of how granting the waiver would:

a. Be consistent with the intent of RSA 485-A and RSA 485-C; and

b. Provide an equivalent level of protection of public health and safety and the environment.



Env-Wq 1616.03 Decision on Waiver Request.

- (a) The department shall approve a request for a waiver if it determines that:
- (1) The requirement is not mandated by state or federal statute;
  - (2) The alternatives proposed are at least equivalent to the requirements contained in these rules;
  - (3) The proposed alternatives are adequate to ensure that the intent of RSA 485-A and RSA 485-C is met; and
  - (4) Granting the waiver will not endanger public health and safety or the environment.

(b) The department shall issue a written decision on a request for a waiver within 90 days of receipt of a complete request. If the request is denied, the decision shall state the reason(s) for the denial.

**APPENDIX A: STATUTES IMPLEMENTED**

<b>Rule Section(s)</b>	<b>Statute(s) Implemented</b>
Env-Wq 1601.01 - 1603.05	RSA 485-A:4, XVI-a; RSA 485-A:6, X-a; RSA 485:A1
Env-Wq 1603.06	RSA 485-A:4, XVI-a; RSA 483:15; RSA 483:12-a
Env-Wq 1603.07 - 1604	RSA 485-A:4, XVI-a; RSA 541-A:30 (revocation); RSA 485-A:5-c (notice of spreading); RSA 541-A:39
Env-Wq 1605 - 1607	RSA 485-A:4, XVI-a
Env-Wq 1608	RSA 485-A:4, XVI-a; RSA 483; RSA 485-A:5-c (notice of spreading)
Env-Wq 1609	RSA 485-A:4, XVI-a; RSA 483
Env-Wq 1610	Reserved
Env-Wq 1611 - 1614	RSA 485-A:4, IX; RSA 485-A:4, XVI-a
Env-Wq 1615	RSA 485-A:1; RSA 485-A:13; RSA 485-C:6; RSA 485-C:13
Env-Wq 1616	RSA 541-A:22, IV

**APPENDIX B: INCORPORATION BY REFERENCE INFORMATION**

<b>Rule</b>	<b>Title (Date)</b>	<b>Obtain from:</b>
Env-Wq 1608.01(c)(3) Env-Wq 1609.01(c)(5) Env-Wq 1611.02(c)(4)	Site-Specific Soil Mapping Standards for New Hampshire and Vermont, SSSNNE Special Publication No. 3 (February 2011)	Society of Soil Scientists of Northern New England PO Box 76 Durham, NH 03824-0076 <a href="http://www.sssnne.org/">http://www.sssnne.org/</a>
Env-Wq 1609.09(a) Env-Wq 1611.10(a)	TR-16, Guides for the Design of Wastewater Treatment Works (2011)	New England Interstate Water Pollution Control Commission Wannalancit Mills 650 Suffolk Street, Suite 410 Lowell, MA 01854 Phone: (978) 323-7929 <a href="http://www.neiwpcc.org">www.neiwpcc.org</a>

Rule	Title (Date)	Obtain from:
Env-Wq 1613.05(c)(1)	“POTW Sludge Sampling And Analysis Guidance Document”, EPA 833 B-89100 (August 1989)	U.S. Environmental Protection Agency For this reference, contact: U.S. EPA/NSCEP P.O. Box 42419 Cincinnati, Ohio 45242-0419 1-800-490-9198 <a href="http://nepis.epa.gov">http://nepis.epa.gov</a>
Env-Wq 1613.05(c)(2)	“Standard Methods for the Examination of Water and Wastewater”, 22 <sup>nd</sup> Edition (2012)	Published jointly by the American Public Health Association, American Water Works Association, and Water Environment Association Water Environment Federation 601 Wythe Street Alexandria, VA 22314-1994 1-800-666-0206 Purchase online at <a href="http://www.wef.org/">http://www.wef.org/</a> (enter S82210 in search box)

#### APPENDIX C: STATUTORY DEFINITIONS

**RSA 21:48 Governing Body.** – When used to refer to a municipality, and in the absence of applicable chapter or subdivision definitions, the term "governing body" shall mean the board of selectmen in a town, the board of aldermen or council in a city or town with a town council, the school board in a school district or the village district commissioners in a village district, or when used to refer to unincorporated towns or unorganized places, or both, the county commissioners.

**RSA 485-A:2:**

XIV. “Surface waters of the state” means perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses, and other bodies of water, natural or artificial.

XXI. “Innovative/alternative waste treatment” means treatment which differs from standardized and conventional practice, offers an advantage over such practice in a proposed application and satisfies the pollution abatement and treatment requirements for sewerage and sewage or waste treatment systems in such application.

**RSA 485-C:2:**

I. “Ambient groundwater quality standards” means maximum concentration levels for regulated contaminants in groundwater which result from human operations or activities, as delineated in RSA 485-C:6.