CHAPTER Env-Hw 400 IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

Statutory Authority: RSA 147-A:3

PART Env-Hw 401 PURPOSE, APPLICABILITY, DEFINITIONS, EXEMPTIONS, AND METHODS

Readopt with amendments Env-Hw 401.01 and Env-Hw 401.02, eff. 1-28-09 (doc. #9367), to read as follows:

Env-Hw 401.01 Purpose and Applicability.

(a) The purpose of this chapter is to identify those wastes that are subject to regulation as hazardous wastes.

(b) Unless a waste is exempt from regulation pursuant to Env-Hw 401.03, it shall be a hazardous waste when any of the following events occur:

(1) In the case of a waste listed in Env-Hw 402, when the waste first meets the listing description set forth in Env-Hw 402;

(2) In the case of a mixture of any waste with one or more listed hazardous wastes, when the hazardous waste listed in Env-Hw 402 is first added to the mixture; and

(3) In the case of any waste or waste mixture, when the waste or waste mixture exhibits any of the characteristics identified in Env-Hw 403 or by the department in accordance with Env-Hw 405.03, except as provided in (c), below.

(c) A hazardous waste shall remain a hazardous waste unless and until it meets all of the following criteria:

(1) Subject to (d), below, the waste does not exhibit any of the characteristics of hazardous waste identified in Env-Hw 403;

(2) If the waste is a federally-listed waste identified in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a), or a waste that contains or is derived from any of those federally-listed wastes, the EPA has excluded the waste in accordance with 40 CFR 260.20 and 40 CFR 260.22 and the department has delisted the waste pursuant to Env-Hw 406; and

(3) If the waste is a New Hampshire-listed waste identified in Env-Hw 402.04(d), Env-Hw 402.05(d), Env-Hw 402.06(c) or Env-Hw 402.07(b), the department has delisted the waste pursuant to Env-Hw 406.

(d) Any mixture resulting from the combination of a waste that is exempt pursuant to Env-Hw 401.03(b)(7) and any other waste exhibiting a characteristic of hazardous waste pursuant to Env-Hw 403 shall be a hazardous waste if:

(1) The mixture exhibits a characteristic that would not have been exhibited by the exempt waste alone if mixing had not occurred; or

(2) The mixture continues to exhibit any characteristic that was exhibited by the non-exempt waste prior to being mixed with the exempt waste.

(e) For purposes of applying the toxicity characteristic:

(1) The mixture exceeds the maximum concentration for any contaminant identified in Env-Hw 403.06(d) that would not have been exceeded by the exempt waste alone if mixing had not occurred; or

(2) The mixture continues to exceed the maximum concentration for any contaminant exceeded by the non-exempt waste prior to being mixed with the exempt waste.

(f) A waste that exhibits a characteristic of hazardous waste at the point of generation and that is not exempt pursuant to Env-Hw 401.03 shall be subject to the requirements of Env-Hw 1200, even if it no longer exhibits a characteristic at the point of land disposal.

Env-Hw 401.02 Definitions. For purposes of Env-Hw 401.03, the following definitions shall apply:

(a) "Domestic sewage" means "domestic sewage" as defined in 40 CFR 261.4(a)(1)(ii), as reprinted in Appendix D.

(b) "No free liquids" means:

(1) Free liquids are not present in solvent-contaminated wipes as determined by the paint filter liquids test, test method 9095B in EPA publication SW-846, as specified in Env-Hw 104, available as noted in Appendix B; and

(2) Free liquids are not present in a container holding wipes.

(c) "Point source" means "point source" as defined in 40 CFR 260.10, as reprinted in Appendix D.

(d) "Solvent-contaminated wipe" means a wipe that, after being used in a cleaning or degreasing process:

(1) Meets one or more of the following criteria:

a. The wipe contains one or more of the F001 through F005 solvents listed in Env-Hw 402.06(a) or the corresponding P- or U-listed solvents found in Env-Hw 402.04(b) or Env-Hw 402.05(b), respectively;

b. The wipe exhibits a hazardous characteristic found in Env-Hw 403 when that characteristic results from a solvent listed in Env-Hw 402.04(b), Env-Hw 402.05(b) or Env-Hw 402.06(a); or

c. The wipe exhibits only the hazardous waste characteristic of ignitability as found in Env-Hw 403.03 due to the presence of one or more solvents that are not listed in Env-Hw 402.04(b), Env-Hw 402.05(b) or Env-Hw 402.06(a); and

(2) Does not contain listed waste other than solvents or used oil, or both, and does not exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents.

(e) "Use in a cleaning or degreasing process" means use of a wipe to remove oil or other contaminants from machinery, equipment, work stations, or product components or for the cleanup of solvent spills of less than 12 fluid ounces.

(f) "Virgin lubricating products" means unused motor, engine, gear, machine and transmission oils.

(g) "Wipe" means "wipe" as defined in 40 CFR 260.10, as reprinted in Appendix D.

Readopt with amendments Env-Hw 401.03, eff. 1-28-09 (doc. #9367), as amended eff. 10-19-12 (doc. #10205) and as amended eff. 12-2-14 (doc. #10739), to read as follows:

Env-Hw 401.03 Exemptions.

(a) The following materials shall not be hazardous wastes under the hazardous waste rules provided any specified conditions or prohibitions are met:

(1) Domestic sewage;

(2) Wastewater discharges that are industrial point source discharges in compliance with applicable New Hampshire permits and rules and federal permits and regulations under section 402 of the Clean Water Act, as amended;

(3) Irrigation return waters;

(4) Source, special nuclear, or nuclear by-product material as defined by the Atomic Energy Act of 1954 as amended, 42 USC 2011 et seq.;

(5) Material subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process;

(6) Pulping liquors, also known as black liquors, that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process and not accumulated speculatively as defined in Env-Hw 811.01;

(7) Spent sulfuric acid used to produce virgin sulfuric acid that is not accumulated speculatively as defined in Env-Hw 811.01;

(8) Secondary materials, as defined in Env-Hw 104, provided:

a. Only tank storage is involved and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

b. Reclamation does not involve controlled flame combustion such as occurs in boilers, industrial furnaces, or incinerators;

c. The secondary materials are never accumulated in such tanks for over 12 months without being reclaimed; and

d. The reclaimed material is not used to produce a fuel or to produce products that are used in a manner constituting disposal;

(9) Excluded scrap metal, as defined in Env-Hw 103, provided it is being recycled;

(10) Shredded circuit boards being recycled, provided they are:

a. Stored in containers sufficient to prevent a release to the environment prior to recovery; and

b. Free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries;

(11) Solvent-contaminated wipes, that are cleaned for reuse, provided:

a. The generator either launders or dry cleans the solvent-contaminated wipes on site or sends the solvent-contaminated wipes to be cleaned by a laundry or dry cleaner:

1. That is located in New Hampshire, or in a state that has adopted the exclusion at 40 CFR 261.4(a)(26); and

2. Whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the Clean Water Act;

b. The generator maintains at its site the following documentation:

1. The name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes;

2. Documentation of compliance with (g)(2), below; and

3. A written description of the process the generator uses to ensure that solvent-contaminated wipes contain no free liquids when laundered or dry cleaned on site or transported off site for laundering or dry cleaning; and

c. The requirements of (g), below, are met;

(12) Spent wood preserving solutions that have been reclaimed and are being reused for their original intended purpose and wastewaters from the wood preserving process that have been reclaimed and are being reused to treat wood, provided the requirements of 40 CFR 261.4(a)(9)(iii) are satisfied;

(13) Non-wastewater splash condenser dross residue from the treatment of K061 waste in high temperature metals recovery units, provided the residue is shipped in drums if shipped off site for recovery and is not land disposed before or after recovery;

(14) When recycled in the manner and under the conditions as described in 40 CFR 261.4(a)(12)(i):

a. Oil-bearing hazardous secondary materials that are generated at a petroleum refinery and are inserted into the petroleum refining process, as those terms are defined in 40 CFR 261.4(a)(12)(i), unless the material is placed on the land or speculatively accumulated before being recycled; and

b. Recovered oil, as defined in 40 CFR 261.4(a)(12)(ii);

(15) Petrochemical-recovered oil from an associated organic chemical manufacturing facility, as defined in 40 CFR 261.4(a)(18), where the recovered oil will be inserted into the petroleum refining process along with normal petroleum refinery process streams, provided that the requirements of 40 CFR 261.4(a)(18) are met; and

(16) Spent caustic solutions from petroleum-refining liquid treating processes that are used as a feedstock to produce cresylic or naphthenic acid, unless the material is placed on the land or accumulated speculatively as described in Env-Hw 811.01.

(b) The following materials shall be exempt from regulation under the hazardous waste rules, subject to any conditions, prohibitions, or other limitations specified:

(1) Household wastes, subject to (b)(2), below;

(2) Household hazardous wastes, until such time as they are collected as part of a household hazardous waste collection project or otherwise collected at a permitted transfer facility or a permitted treatment, storage, or disposal facility;

(3) Agricultural wastes that are returned to the soil as fertilizers for growing agricultural crops and raising animals;

(4) Mining overburden returned to the mine site;

(5) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or fossil fuels;

(6) Wastes that fail the test for the toxicity characteristic because chromium is present, or that are listed in Env-Hw 402 due to the presence of chromium, and meet the criteria of 40 CFR 261.4(b)(6)(i), and are:

a. Listed in 40 CFR 261.4(b)(6)(ii); or

b. Subject to a waiver obtained by the generator in accordance with Env-Hw 202;

(7) Subject to (c), below, solid waste from the extraction, beneficiation, and processing of ores and minerals including coal, phosphate rock, and overburden from the mining of uranium ore;

(8) Cement kiln dust waste;

(9) Waste that consists of discarded arsenical-treated wood or wood products that fail the test for the toxicity characteristic for hazardous waste codes D004 - D017 and that is not a hazardous waste for any other reason, provided the waste is generated by persons who use the arsenical-treated wood and wood products for these materials' intended end use;

(10) Used chlorofluorocarbon (CFC) refrigerants from totally-enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use CFCs as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use;

(11) Non-terne-plated used oil filters that are not mixed with wastes listed in Env-Hw 402, provided the oil filters have been gravity hot-drained using one of the following methods:

a. Puncturing the filter anti-drainback valve or the filter dome end and hot-draining;

b. Hot-draining and crushing;

c. Dismantling and hot-draining; or

d. Any other equivalent hot-draining method that will remove the used oil from the filter;

(12) Hazardous waste generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or a manufacturing process unit or an associated non-waste-treatment manufacturing unit before it exits the unit in which it was generated, unless:

a. The unit is a surface impoundment; or

b. The hazardous waste remains in the unit for greater than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials;

(13) Samples of solid or hazardous wastes, water, soil or air that are collected for the sole purpose of testing to determine its characteristics or composition, provided the samples are being stored or transported in accordance with 40 CFR 261.4(d);

(14) Treatability study samples and samples undergoing treatability studies at laboratories and testing facilities of up to 250 kg non-acute hazardous waste and up to 1 kg acute hazardous waste and as set forth in 40 CFR 261.4(e) and (f);

(15) Materials that are reclaimed from wastes and that are used beneficially, unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal;

(16) Waste pickle liquor sludges generated by lime stabilization of spent pickle liquor from the iron and steel industry Standard Industry Classification, Codes 331 and 332, or compatible NAICS codes, even though they are generated from the treatment, storage, or disposal of a hazardous waste, provided they do not exhibit a hazardous waste characteristic specified in Env-Hw 403;

(17) The following wastes, provided that they do not exhibit a hazardous waste characteristic specified in Env-Hw 403:

a. Used oil sludges derived from collection, storage, treatment, or processing of used oils, provided the sludges are sent to a facility authorized to receive them; and

b. Waters separated from used oil by gravity separation or other physical or chemical means, unless the waters contain greater than 5 percent oil;

(18) Spill absorbent materials, soil, and debris from the cleanup of spills of virgin fuel oil and virgin lubricating products, provided that the spill absorbent materials, soil, and debris do not exhibit a hazardous waste characteristic specified Env-Hw 403;

(19) Spill absorbent materials, soil, and debris from the cleanup of used oil spills, provided:

a. The used oil was not previously mixed with any other hazardous waste listed in Env-Hw 402; and

b. No hazardous waste characteristic specified in Env-Hw 403 is exhibited by the spill absorbent materials, soil, or debris;

(20) Spill absorbent materials, soil, and debris from the cleanup of spills of virgin gasoline, provided that the spill absorbent materials, soil and debris do not exhibit a hazardous waste characteristic as set forth in Env-Hw 403;

(21) Containers and inner liners from containers of hazardous waste, provided that the containers and inner liners are empty pursuant to (d), below;

(22) Petroleum-contaminated media and debris that:

a. Fail the test for the toxicity characteristic of hazardous waste codes D018 - D043 only, as set forth in Env-Hw 403.06;

b. Are generated from releases of underground storage tanks subject to Env-Or 400; and

c. Are managed in accordance with Env-Or 600;

(23) Manufactured gas plant contaminated media and debris that:

a. Fail the test for the toxicity characteristic of hazardous waste number D018 only, as set forth in Env-Hw 403.06; and

b. Are treated in an incinerator or a thermal desorption unit that is authorized under the destination state's rules;

(24) Wood ash from the burning of wood products that is only hazardous due to the corrosivity characteristic as set forth in Env-Hw 403.04(b)(3);

(25) Nitroglycerine, listed as P081, provided that it:

a. Was to be used for medicinal purposes; and

b. Does not exhibit a hazardous waste characteristic as set forth in Env-Hw 403;

(26) Used oil di-electric fluid containing PCBs in concentrations of 50 parts per million or greater, provided that the used oil di-electric fluid:

a. Would only have been identified because it is listed as NH01 or because it fails the test for the toxicity characteristic of hazardous waste numbers D018 – D043 specified in Env-Hw 403.06; and

b. Is managed in compliance with all applicable requirements of 40 CFR Part 761;

(27) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products;

(28) Solvent-contaminated wipes, that are sent for disposal, provided:

a. The solvent-contaminated wipes are not hazardous waste due to the presence of trichloroethylene;

b. The generator maintains at its site the following documentation:

1. The name and address of the disposal facility that is receiving the solvent-contaminated wipes;

2. Documentation of compliance with (g)(2), below; and

3. A written description of the process the generator uses to ensure that solvent-contaminated wipes contain no free liquids, when being transported for disposal;

c. The generator sends the solvent-contaminated wipes for disposal to an authorized out-of-state facility where the exclusion at 40 CFR 261.4(b)(18) has been adopted or to one of the following facilities in New Hampshire:

1. A municipal waste combustor or other combustion facility that is regulated under section 129 of the Clean Air Act;

2. A hazardous waste combustor, boiler, or industrial furnace that is regulated under Env-Hw 707, Env-Hw 708 or 40 CFR part 266 subpart H; or

3. A hazardous waste landfill that is regulated under Env-Hw 707 or Env-Hw 708; and

d. The requirements of (g), below, are met;

(29) Wipes contaminated with used oil, provided the used oil was not previously mixed with and does not otherwise contain any other hazardous wastes listed in Env-Hw 402, and provided the wipes do not exhibit any hazardous waste characteristic specified in Env-Hw 403;

(30) Waste derived from burning any of the materials exempt from regulation under (b)(38), below, even though it is generated from the treatment, storage, or disposal of a hazardous waste, provided it does not exhibit any hazardous waste characteristic specified in Env-Hw 403;

(31) Subject to (h), below, non-wastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062, or F006 waste, provided the conditions of 40 CFR 261.3(c)(2)(ii)(C)(1) and (2) are met, even though the residues are generated from the treatment, storage, or disposal of a hazardous waste, provided the residues do not exhibit any hazardous waste characteristic specified in Env-Hw 403;

(32) Biological treatment sludge from the treatment of any of the following wastes listed in Env-Hw 402.07, provided the sludge does not exhibit any hazardous waste characteristic specified in Env-Hw 403:

a. Organic waste, including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates, from the production of carbamates and carbamoyl oximes, listed as K156; or

b. Wastewaters from the production of carbamates and carbamoyl oximes, listed as K157;

(33) Catalyst inert support media separated from one of the following wastes listed in Env-Hw 402.07, provided they do not exhibit any hazardous waste characteristic specified in Env-Hw 403:

a. Spent hydrotreating catalyst, listed as K171; or

b. Spent hydrorefining catalyst, listed as K172;

(34) The following materials, provided they do not exhibit any hazardous waste characteristic specified in Env-Hw 403:

a. Subject to (h), below, hazardous debris as defined in 40 CFR 268 that has been treated using one of the required extraction or destruction technologies specified in Table 1 of 40 CFR 268.45; and

b. Debris as defined in 40 CFR 268 that is not regulated under Env-Hw 404.01(a)(1); and

(35) Subject to (i), below, leachate or gas condensate collected from landfills where certain solid wastes have been disposed, provided that:

a. The solid wastes disposed would meet one or more of the listing descriptions for hazardous waste codes K169, K170, K171, K172, K174, K175, K176, K177, K178 and K181 if the wastes had been generated after the effective date of the listing;

b. The solid wastes described in a., above, were disposed prior to the effective date of the listing;

c. The leachate or gas condensate does not exhibit any hazardous waste characteristic specified in Env-Hw 403 and is not derived from any other listed hazardous waste in Env-Hw 402; and

d. Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is in compliance with §307(b) or §402 of the Clean Water Act.

(36) Industrial ethyl alcohol that is reclaimed, except that:

a. A person initiating a shipment for reclamation in a foreign country and any intermediary arranging for shipment shall:

1. Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 40 CFR 262.56(a)(1)-(4), 40 CFR 262.56(a)(6), 40 CFR 262.56(b) and 40 CFR 262.57;

2. Export such materials only upon consent of the receiving country and in conformance with the EPA acknowledgment of consent as defined in Env-Hw 103; and

3. Provide the transporter with a copy of the EPA acknowledgment of consent for the shipment; and

b. Transporters transporting a shipment for export shall:

1. Not accept a shipment if the transporter knows that the shipment does not conform to the EPA acknowledgment of consent;

2. Ensure that a copy of the EPA acknowledgment of consent accompanies the shipment; and

3. Ensure that the EPA acknowledgement of consent is delivered to the facility designated by the person initiating the shipment;

(37) Scrap metal being recycled that is not otherwise exempt under (a)(9), above;

(38) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, or transportation practices; and

(39) Mercury-containing dental amalgam waste generated by small quantity generators, provided the waste is being recycled and the generator meets the requirements of Env-Wq 306.

(c) The exemption at (b)(6), above, shall not include spent potliners from primary aluminum reduction, which shall be regulated as K088 hazardous wastes.

(d) For the purposes of (b)(21), above, containers and inner liners shall be deemed empty under the following conditions:

(1) For those containers or inner liners that have held hazardous waste other than compressed gas or acutely hazardous waste identified in Env-Hw 402.04, when all wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, such as pouring, pumping, or aspirating, and:

a. No more than one inch of residue remains on the bottom of the container or inner liner; or

b. The amount or residue remaining in the container or inner liner is:

1. No more than 3 percent by weight of the total capacity of the container if the container is less than or equal to 119 gallons in size; or

2. No more than 0.3 percent by weight of the total capacity of the container if the container is greater than 119 gallons in size;

(2) For those containers that have held a hazardous waste that is a compressed gas, when the pressure in the container approaches atmospheric pressure;

(3) For those containers or inner liners that have held acutely hazardous waste, when:

a. The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

b. The container or inner liner has been cleansed by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

c. In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

(e) Residues removed from empty containers shall be subject to regulation under the hazardous waste rules as set forth in Env-Hw 404.04.

(f) The following listed hazardous wastes shall be exempt from regulation under the hazardous waste rules, except that wastes exempt under this paragraph are subject to the land disposal restrictions of Env-Hw 1200, as applicable, even if the wastes no longer exhibit a characteristic at the point of land disposal:

(1) A hazardous waste that is listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a) solely because it exhibits one or more characteristics of ignitability, corrosivity, or reactivity as specified in Env-Hw 403.03 through 403.05, respectively, if the waste no longer exhibits any characteristic of hazardous waste specified in Env-Hw 403;

(2) A waste or material mixed with any hazardous waste that is listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a) solely because it exhibits one or more characteristics of ignitability, corrosivity, or reactivity, as regulated under Env-Hw 404.01(a)(1), if the mixture no longer exhibits any characteristic of hazardous waste identified in Env-Hw 403;

(3) Any waste generated from treating, storing, or disposing of a hazardous waste that is listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a) solely because it exhibits one or more characteristics of ignitability, corrosivity, or reactivity, as

regulated under Env-Hw 401.02(b)(2) and Env-Hw 404.03, if the waste no longer exhibits any characteristic of hazardous waste specified in Env-Hw 403; and

(4) Any mixture of a waste exempt from regulation under Env-Hw 401.03(b)(7) and a hazardous waste listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a) solely because it exhibits one or more characteristics of ignitability, corrosivity or reactivity as regulated under Env-Hw 404.01(a)(1), if the mixture no longer exhibits any characteristic of hazardous waste specified in Env-Hw 403 for which the hazardous waste was listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a).

(g) For the purposes of (a)(11) and (b)(28), above, solvent-contaminated wipes shall be exempt from regulation under the hazardous waste rules, from the point of generation, provided that:

(1) Solvent-contaminated wipes and any containers in which they are stored contain only those solvents that were absorbed during use of such wipes in a cleaning or degreasing process;

(2) No more than 180 days after the date on which a generator begins to accumulate solvent-contaminated wipes in any container, all solvent-contaminated wipes in that container are removed and sent for cleaning or disposal;

(3) Solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers;

(4) Any container in which solvent-contaminated wipes are accumulated, stored or transported is able to contain free liquids;

(5) Containers in which solvent-contaminated wipes are accumulated or stored are closed at all times except when it is necessary to add or remove solvent-contaminated wipes;

(6) Containers in which solvent-contaminated wipes are accumulated, stored, or transported are clearly labeled or marked with the words “Excluded Solvent-Contaminated Wipes”;

(7) When the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container is sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

(8) At the point of being sent for cleaning on site or of being transported off site for cleaning or disposal, the solvent-contaminated wipes contain no free liquids, as defined in (l), below; and

(9) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes are managed in accordance with the hazardous waste rules.

(h) A person claiming the exemption in (b)(31) or (b)(34)a., above, shall document the claim in accordance with (j), below, and prove, by clear and convincing evidence, that the material meets all of the exemption requirements.

(i) With regard to the exemption in (b)(35), above, leachate or gas condensate shall not be exempt if it is stored or managed in a surface impoundment prior to discharge, except as provided in 40 CFR 261.4(b)(15)(v).

(j) A person who claims that a certain material is not a hazardous waste or is exempt from regulation under the hazardous waste rules, including Env-Hw 803.05, shall provide, upon request, the documentation specified in 40 CFR 261.2(f).

Readopt with amendments Env-Hw 401.04 through Env-Hw 401.06, eff. 1-28-09 (doc. #9367), to read as follows:

Env-Hw 401.04 Hazardous Waste Determination Methods. Sampling and analysis of waste for the purpose of identifying the waste as a hazardous or non-hazardous waste shall conform with the procedures specified in 40 CFR 261 Appendix I, EPA publication "SW-846," as specified in Env-Hw 104 and available as noted in Appendix B, additional methods specified in Env-Hw 400, or equivalent procedures approved by EPA in accordance with 40 CFR 260.20 and 260.21 or by the department in accordance with Env-Hw 401.05.

Env-Hw 401.05 Petitions for Equivalent Testing or Analytical Methods.

(a) Any person seeking to add an analytical method to Env-Hw 400 or Env-Hw 800 with respect to hazardous waste regulated by New Hampshire but not by EPA may petition for a rule change to allow use of a new testing method. The person shall demonstrate that the proposed method is equal or superior to the corresponding method required by Env-Hw 400 or Env-Hw 800 in terms of its sensitivity, accuracy and reproducibility.

(b) Each petition submitted pursuant to (a), above, shall include the information required by 40 CFR 260.20(b) and 40 CFR 260.21(b).

Env-Hw 401.06 Test Methods for Analyzing Hazardous Wastes. Test methods for analyzing hazardous wastes shall be as specified in the following publications, as incorporated by reference in 40 CFR 260.11 and available as noted in Appendix B:

(a) "ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D-3278-78;

(b) "ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80;

(c) "ASTM Standard Method for Analysis of Reformed Gas by Gas Chromatography," ASTM Standard D-1946-82;

(d) "ASTM Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method)," ASTM Standard D-2382-83;

(e) "ASTM Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," ASTM Standard E-169-87;

(f) "ASTM Standard Practices for General Techniques of Infrared Quantitative Analysis," ASTM Standard E 168-88;

(g) "ASTM Standard Practice for Packed Column Gas Chromatography," ASTM Standard E-260-85;

(h) "ASTM Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography," ASTM Standard D-2267-88;

(i) "APTI Course 415: Control of Gaseous Emissions," EPA Publication EPA-450/2-81-005, December 1981;

(j) "Flammable and Combustible Liquids Code," 1977 or 1981;

(k) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA publication SW-846, as specified in Env-Hw 104;

(l) "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised," October 1992, EPA Publication No. EPA-450/R-92-019;

(m) "ASTM Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analyses of Metals," ASTM Standard E926-88, Test Method C-Bomb, Acid Digestion Method;

(n) API Publication 2517, "Evaporative Loss from External Floating-Roof Tanks" Third Edition, February 1989; and

(o) "ASTM Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope," ASTM Standard D 2879-92.

PART Env-Hw 402 LISTED HAZARDOUS WASTES

Readopt with amendments Env-Hw 402.01 through Env-Hw 402.04, eff. 1-28-09 (doc. #9367), to read as follows:

Env-Hw 402.01 Hazard Codes.

(a) Unless otherwise specified elsewhere in this chapter, this part shall identify the type of hazard presented by a waste using the following hazard codes:

(1) For ignitable waste, the hazard code shall be "(I)";

(2) For corrosive waste, the hazard code shall be "(C)";

(3) For reactive waste, the hazard code shall be "(R)";

(4) For toxicity characteristic waste, the hazard code shall be "(E)";

(5) For acutely hazardous waste, the hazard code shall be "(H)"; and

(6) For toxic waste, the hazard code shall be "(T)."

(b) 40 CFR 261 Appendix VII shall be used to identify the constituent that causes the administrator to list a waste as a toxicity characteristic waste (E) or toxic waste (T) when listed in Env-Hw 402.06(a) or Env-Hw 402.07(a).

Env-Hw 402.02 Hazardous Waste Numbers.

(a) Every applicable EPA and NH hazardous waste number assigned to each hazardous waste listed in this part, shown preceding the name of the waste in Table 4.1 through Table 4.9, shall be used in complying with the notification, labeling, manifest, and recordkeeping and reporting requirements of the hazardous waste rules.

(b) The hazardous waste numbers assigned by EPA and New Hampshire for listed hazardous wastes shall be as set forth in Env-Hw 402.04, Env-Hw 402.05, Env-Hw 402.06, and Env-Hw 402.07.

Env-Hw 402.03 Lists of Hazardous Wastes.

(a) The materials or items specified in Env-Hw 402 shall be considered hazardous wastes:

(1) When they are discarded or intended to be discarded as defined in Env-Hw 103;

(2) When they are mixed with discarded oil or used oil or other material and applied to the land for dust suppression or road treatment;

(3) When they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to the land in lieu of their original intended use; or

(4) When, in lieu of their original intended use, they are produced for use as a fuel, or as a component of a fuel, distributed for use as a fuel, or burned as a fuel.

(b) For the purposes of dust suppression and road treatment, “discarded oil” means virgin oil that has been discarded prior to being used.

Env-Hw 402.04 Acutely Hazardous Wastes.

(a) The following materials, when waste, shall be considered acutely hazardous waste:

(1) Any commercial chemical product or manufacturing chemical intermediate, having the generic name listed in (b) or (d), below, or any off-specification chemical product or intermediate that, if it met specifications, would have the generic name listed in (b) or (d), below;

(2) Any residue remaining in a container or in an inner liner removed from a container that has held any material having the generic name listed in (b) and (d), below, unless the container is empty as defined in Env-Hw 401.03(d); or

(3) Any material listed in Env-Hw 402.06 that is identified with the symbol "H".

(b) EPA-listed acutely hazardous wastes shall be as listed in Table 4.1, below, subject to the note in (c), below:

Table 4.1 EPA Acutely Hazardous Wastes

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide,N-(aminothioxomethyl)-
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P203	1646-88-4	Aldicarb sulfone
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-),bis(cyano-C)-,potassium
P010	7778-39-4	Arsenic acid H_3AsO_4
P012	1327-53-3	Arsenic oxide As_2O_3
P011	1303-28-2	Arsenic oxide As_2O_5
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsonous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl-
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-methylamino)ethyl]-, (R)-
P046	122-09-8	Benzeneethanamine, alpha,alpha-dimethyl
P014	108-98-5	Benzenethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P001	[1]81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[methylamino) carbonyl]oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide $Ca(CN)_2$
P189	55285-14-8	Carbamic acid, [(dibutylamino)- thio]methyl-, 2,3-dihydro-2,2-dimethyl- 7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethyl-amino)carbonyl]- 5-methyl-1H- pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1- (1-methylethyl)-1H- pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl) thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide Cu(CN)
P202	64-00-6	m-Cumenyl methylcarbamate
P030	--------	Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride (CN)Cl
P034	131-89-5	2-Cyclohexyl-4,6- dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O, O -Diethyl O -pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1, 4,4a,5,8,8 a,-hexahydro-,(1alpha,4alpha,4abeta,5 alpha,8alpha,8abeta)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro -1,4,4a,5,8,8a,-[hexachloro]hexahydro-(1alpha,4alpha, 4abeta,5beta,8beta,8abeta)-
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a, 7,7a-octahydro-(1aalpha,2beta,2aalpha, 3beta,6beta,6aalpha,7beta,7aalpha)-
P051	[1]72-20-8	2,7:3,6-Dimethanonaphth [2,3-b] oxirene,3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2abeta,3alpha,6alpha, 6abeta,7beta,7aalpha)-,& metabolites
P044	60-51-5	Dimethoate
P046	122-09-8	alpha,alpha-Dimethylphenethylamine
P191	644-64-4	Dimetilan
P047	[1]534-52-1	4,6-Dinitro-o-cresol, & salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramide, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithiobiuret
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O- [(methylamino)-carbonyl]oxime
P050	115-29-7	Endosulfan
P088	145-73-3	Endothall
P051	72-20-8	Endrin
P051	72-20-8	Endrin, & metabolites
P042	51-43-4	Epinephrine
P031	460-19-5	Ethanedinitrile
P194	23135-22-0	Ethanimidothioc acid, 2-(dimethylamino)-N-[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester
P066	16752-77-5	Ethanimidothioic acid, N-[[(methylamino)carbonyl]oxy]-, methyl ester
P101	107-12-0	Ethyl cyanide
P054	151-56-4	Ethyleneimine
P097	52-85-7	Famphur
P056	7782-41-4	Fluorine
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Fluoroacetic acid, sodium salt
P198	23422-53-9	Formetanate hydrochloride
P197	17702-57-7	Formparanate
P065	628-86-4	Fulminic acid, mercury(2+) salt (R,T)
P059	76-44-8	Heptachlor
P062	757-58-4	Hexaethyl tetraphosphate
P116	79-19-6	Hydrazinecarbothioamide
P068	60-34-4	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P063	74-90-8	Hydrogen cyanide
P096	7803-51-2	Hydrogen phosphide
P060	465-73-6	Isodrin
P192	119-38-0	Isolan
P202	64-00-6	3-Isopropylphenyl N-methylcarbamate
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S')-,
P196	15339-36-3	Manganese dimethyldithiocarbamate
P092	62-38-4	Mercury, (acetato- O)phenyl-
P065	628-86-4	Mercury fulminate (R,T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P064	624-83-9	Methane, isocyanato-
P016	542-88-1	Methane, oxybis[chloro-
P112	509-14-8	Methane, tetranitro- (R)
P118	75-70-7	Methanethiol, trichloro-
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3-[[(methylamino)-carbonyl]oxy]phenyl]-, monohydrochloride
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[(methylamino)carbonyl]oxy]phenyl]-
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6, 9,9a-hexahydro-, 3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8- heptachloro-3a,4,7,7a-tetrahydro-
P199	2032-65-7	Methiocarb
P066	16752-77-5	Methomyl
P068	60-34-4	Methyl hydrazine
P064	824-83-9	Methyl isocyanate
P069	75-86-5	2-Methyllactonitrile
P071	298-00-0	Methyl parathion
P190	1129-41-5	Metolcarb
P128	315-18-4	Mexacarbate
P072	86-88-4	alpha Naphthylthiourea
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl $Ni(CO)_4$, (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide $Ni(CN)_2$
P075	[1]54-11-5	Nicotine & salts
P076	10102-43-9	Nitric oxide
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P076	10102-43-9	Nitrogen oxide N0
P078	10102-44-0	Nitrogen oxide $N0_2$
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P085	152-16-9	Octamethylpyrophosphoramide
P087	20816-12-0	Osmium oxide OsO_4, (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3- dicarboxylic acid
P194	23135-22-0	Oxamyl

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P089	56-38-2	Parathion
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P048	51-28-5	Phenol, 2,4-dinitro-
P047	[1]534-52-1	Phenol, 2-methyl-4,6-dinitro-, & salts
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl-[2-methylamino)-2-oxoethyl] ester
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl) ester
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P097	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)sufonyl] phenyl] O,O-dimethyl ester
P071	298-00-0	Phosphorothioic acid, O,O,-dimethyl O-(4-nitrophenyl) ester
P204	57-47-6	Physostigmine
P188	57-64-7	Physostigmine salicylate
P110	78-00-2	Plumbane, tetraethyl-
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide K(CN)
P099	506-61-6	Potassium silver cyanide
P201	2631-37-0	Promecarb
P070	116-06-3	Propanal, 2-methyl-2(methylthio)-, O-[(methylamino)carbonyl]oxime
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propanetriol, trinitrate (R)
P017	598-31-2	2-Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075	[1]54-11-5	Pyridine, 3-(1-methyl-3pyrrolidinyl)-, (S)-, & salts

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P204	57-47-6	Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8- trimethyl-, methylcarbamate (ester), (3aS-cis)-
P114	12039-52-0	Selenious acid, dithallium(1+) salt
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide Ag(CN)
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide Na(CN)
P108	[1]57-24-9	Strychnidin-10-one, & salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108	[1]57-24-9	Strychnine, & salts
P115	7446-18-6	Sulfuric acid, dithallium(1+) salt
P109	3689-24-5	Tetraethyldithiopyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethyl pyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl_2O_3
P114	12039-52-0	Thallium(1) selenite
P115	7446-18-6	Thallium(1) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimidodicarbonic diamide $[(H_2N)C(S)]_2NH$
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P185	26419-73-8	Tirpate
P123	8001-35-2	Toxaphene
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V_2O_5
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	[1]81-81-2	Warfarin, & salts, when present at concentrations greater than 0.3%
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-,
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide $Zn(CN)_2$
P122	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations greater than 10% (R,T)
P205	137-30-4	Ziram

(c) In Table 4.1, the superscript number "1" shall indicate that the chemical abstracts number is given for the parent compound only.

(d) New Hampshire-listed acutely hazardous wastes shall be as listed in Table 4.2 below:

Table 4.2 New Hampshire Acutely Hazardous Wastes

NH Hazardous Waste Number	Hazardous Waste
NH03	Strontium sulfide
NH04 to NH11	Reserved

Readopt with amendments Env-Hw 402.05, eff. 1-28-09 (doc. #9367), as amended eff. 10-19-12 (doc. #10205), to read as follows:

Env-Hw 402.05 Toxic Hazardous Wastes.

(a) The following materials, when waste, shall constitute toxic hazardous waste:

(1) Any commercial chemical product or manufacturing chemical intermediate, having the generic name listed in (b) or (d), below, or any off-specification chemical product or intermediate that, if it met specification, would have the generic name listed in (b) or (d), below; or

(2) Any residue remaining in a container or in an inner liner removed from a container that has held any material having the generic name listed in (b), below, unless the container is empty as defined in Env-Hw 401.03(d).

(b) EPA-listed toxic hazardous wastes shall be as listed in Table 4.3 below:

Table 4.3 EPA Toxic Hazardous Wastes

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U394	30558-43-1	A2213
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-
U240	[1]94-75-7	Acetic acid (2,4-dichlorophenoxy)-, salts and esters
U112	141-78-6	Acetic acid ethyl ester (I)
U144	301-04-2	Acetic acid, lead (2+) salt
U214	563-68-8	Acetic acid, thallium (1+) salt
See F027	93-76-5	Acetic acid,(2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U010	50-07-7	Azirino [2',3':3,4] pyrrolo [1,2-a] indole-4,7-dione,6-amino-8-[[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha,8beta,8aalpha,8balpha)]-
U280	101-27-9	Barban
U278	22781-23-3	Bendiocarb
U364	22961-82-6	Bendiocarb phenol
U271	17804-35-2	Benomyl
U157	56-49-5	Benz [j] aceanthrylene, 1,2-dihydro-3-methyl-
U016	225-51-4	Benz [c] acridine
U017	98-87-3	Benzal chloride
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U018	56-55-3	Benz [a] anthracene
U094	57-97-6	Benz [a] anthracene, 7,12-dimethyl-
U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis[N,N- dimethyl-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U328	95-53-4	Benzenamine, 2-methyl-
U353	106-49-0	Benzenamine, 4-methyl-
U158	101-14-4	Benzenamine, 4,4'-methylenebis[2-chloro-
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U019	71-43-2	Benzene (I,T)
U038	510-15-6	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U035	305-03-3	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-
U037	108-90-7	Benzene, chloro-
U221	25376-45-8	Benzenediamine, ar-methyl-
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis (2-ethylhexyl) ester
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U070	95-50-1	Benzene, 1,2-dichloro-
U071	541-73-1	Benzene, 1,3-dichloro-
U072	106-46-7	Benzene, 1,4-dichloro-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene) bis [4-chloro-
U017	98-87-3	Benzene, (dichloromethyl)-
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl(R,T)
U239	1330-20-7	Benzene, dimethyl-(I)
U201	108-46-3	1,3-Benzenediol
U127	118-74-1	Benzene, hexachloro-
U056	110-82-7	Benzene, hexahydro-(I)
U220	108-88-3	Benzene, methyl-
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8	Benzene, (1-methylethyl)- (I)
U169	98-95-3	Benzene, nitro-
U183	608-93-5	Benzene, pentachloro-
U185	82-68-8	Benzene, pentachloronitro-
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-chloro
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-methoxy-
U023	98-07-7	Benzene, (trichloromethyl)-
U234	99-35-4	Benzene, 1,3,5-trinitro-
U021	92-87-5	Benzidine
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-,
U203	94-59-7	1,3 Benzodioxole, 5-(2-propenyl)-
U141	120-58-1	1,3 Benzodioxole, 5-(1-propenyl)-
U090	94-58-6	1,3 Benzodioxole, 5-propyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U064	189-55-9	Benzo[rst]pentaphene
U248	[1]81-81-2	2H-1-Benzopyran-2-one, 4 hydroxy-3- (3-oxo-1-phenyl-butyl)-, and salts when present at concentrations of 0.3% or less
U022	50-32-8	Benzo[a]pyrene
U197	106-51-4	p-Benzoquinone
U023	98-07-7	Benzotrichloride (C,R,T,)
U085	1464-53-5	2,2'-Bioxirane
U021	92-87-5	[1,1'-Biphenyl]-4-4'-diamine
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
U091	119-90-4	[1,1'-Biphenyl]-4-4'-diamine, 3,3'-dimethoxy-
U095	119-93-7	[1,1'-Biphenyl]-4-4'-diamine, 3,3'-dimethyl-
U225	75-25-2	Bromoform
U030	101-55-3	4-Bromophenyl phenyl ether
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U031	71-36-3	1-Butanol (I)
U159	78-93-3	2-Butanone (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U053	4170-30-3	2-Butenal
U074	764-41-0	2-Butene, 1,4-dichloro- (I,T)
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S*,3R*),7aalpha]]-
U031	71-36-3	n-Butyl alcohol (I)
U136	75-60-5	Cacodylic acid
U032	13765-19-0	Calcium chromate
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U271	17804-35-2	Carbamic acid, [1-[(butylamino)carbonyl]-1H- benzimidazol-2-yl]-, methyl ester
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U238	51-79-6	Carbamic acid, ethyl ester
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U409	23564-05-8	Carbamic acid, [1,2-phenylenebis (iminocarbonothioyl)]bis-, dimethyl ester
U097	79-44-7	Carbamic chloride, dimethyl-
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U114	[1]111-54-6	Carbamodithioic acid, 1,2-ethanediylbis-, salts & esters
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U279	63-25-2	Carbaryl
U372	10605-21-7	Carbendazim
U367	1563-38-8	Carbofuran phenol
U215	6533-73-9	Carbonic acid, dithallium(1+) salt
U033	353-50-4	Carbonic difluoride
U156	79-22-1	Carbonochloridic acid, methyl ester (I,T)
U033	353-50-4	Carbon oxyfluoride (R,T)
U211	56-23-5	Carbon tetrachloride
U034	75-87-6	Chloral
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlordane, alpha & gamma isomers
U026	494-03-1	Chlornaphazin
U037	108-90-7	Chlorobenzene
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U042	110-75-8	2-Chloroethyl vinyl ether
U044	67-66-3	Chloroform
U046	107-30-2	Chloromethyl methyl ether
U047	91-58-7	beta-Chloronaphthalene
U048	95-57-8	o-Chlorophenol
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U032	13765-19-0	Chromic acid H_2CrO_4, calcium salt
U050	218-01-9	Chrysene
U051	---------	Creosote
U052	1319-77-3	Cresol (Cresylic acid)
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Cumene (I)
U246	506-68-3	Cyanogen bromide (CN)Br
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U056	110-82-7	Cyclohexane (I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U057	108-94-1	Cyclohexanone (I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U058	50-18-0	Cyclophosphamide
U240	[1]94-75-7	2,4-D, salts and esters
U059	20830-81-3	Daunomycin
U060	72-54-8	DDD
U061	50-29-3	DDT
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Dibenzo[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane
U078	75-35-4	1,1-Dichloroethylene
U079	156-60-5	1,2-Dichloroethylene
U025	111-44-4	Dichloroethyl ether
U027	108-60-1	Dichloroisopropyl ether
U024	111-91-1	Dichloromethoxy ethane
U081	120-83-2	2,4-Dichlorophenol
U082	87-65-0	2,6-Dichlorophenol
U084	542-75-6	1,3-Dichloropropene
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U108	123-91-1	1,4-Diethyleneoxide
U028	117-81-7	Diethylhexyl phthalate
U395	5952-26-1	Diethylene glycol, dicarbamate
U086	1615-80-1	N,N'-Diethylhydrazine
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbestrol
U090	94-58-6	Dihydrosafrole
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha,alpha-Dimethylbenzylhydroperoxide (R)
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propylnitrosamine
U041	106-89-8	Epichlorohydrin
U001	75-07-0	Ethanal (I)
U404	121-44-8	Ethanamine, N,N-diethyl-
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
U067	106-93-4	Ethane, 1,2-dibromo-
U076	75-34-3	Ethane, 1,1-dichloro-
U077	107-06-2	Ethane, 1,2-dichloro-
U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
U117	60-29-7	Ethane, 1,1'-oxybis- (I)
U025	111-44-4	Ethane, 1,1'-oxybis[2-chloro-
U184	76-01-7	Ethane, pentachloro-
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U218	62-55-5	Ethanethioamide
U226	71-55-6	Ethane, 1,1,1-trichloro-
U227	79-00-5	Ethane, 1,1,2-trichloro-
U410	59669-26-0	Ethanimidothioic acid, N,N'- [thiobis[(methylimino)carbonyloxy]]bis-, dimethyl ester
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2- oxo-, methyl ester
U359	110-80-5	Ethanol, 2-ethoxy-
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U004	98-86-2	Ethanone, 1-phenyl-
U043	75-01-4	Ethene, chloro-
U042	110-75-8	Ethene, (2-chloroethoxy)-
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	Ethene, 1,2-dichloro-,(E)-
U210	127-18-4	Ethene, tetrachloro-
U228	79-01-6	Ethene, trichloro-
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U238	51-79-6	Ethyl carbamate (urethane)
U117	60-29-7	Ethyl ether (I)
U114	[1]111-54-6	Ethylenebisdithiocarbamic acid, salts & esters
U067	106-93-4	Ethylene dibromide
U077	107-06-2	Ethylene dichloride

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U359	110-80-5	Ethylene glycol monoethyl ether
U115	75-21-8	Ethylene oxide (I,T)
U116	96-45-7	Ethylenethiourea
U076	75-34-3	Ethylidene dichloride
U118	97-63-2	Ethyl methacrylate
U119	62-50-0	Ethyl methanesulfonate
U120	206-44-0	Fluoranthene
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U147	108-31-6	2,5-Furandione
U213	109-99-9	Furan, tetrahydro- (I)
U125	98-01-1	Furfural (I)
U124	110-00-9	Furfuran (I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-,D-
U206	18883-66-4	D-Glucose, 2-deoxy-2-[[(methylnitrosoamino) -carbonyl]amino]-
U126	765-34-4	Glycidylaldehyde
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	Hexachlorobutadiene
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U243	1888-71-7	Hexachloropropene
U133	302-01-2	Hydrazine (R,T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U134	7664-39-3	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H_2S
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl- (R)
U116	96-45-7	2-Imidazolidinethione
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U190	85-44-9	1,3-Isobenzofurandione
U140	78-83-1	Isobutyl alcohol (I,T)
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U143	303-34-4	Lasiocarpine
U144	301-04-2	Lead acetate
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U145	7446-27-7	Lead phosphate
U146	1335-32-6	Lead subacetate
U129	58-89-9	Lindane

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-3	Melphalan
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U092	124-40-3	Methanamine, N-methyl-(I)
U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro- (I,T)
U046	107-30-2	Methane, chloromethoxy-
U068	74-95-3	Methane, dibromo-
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane, dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I,T)
U225	75-25-2	Methane, tribromo-
U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8, 8-octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrilene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen -2-one,1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-
U247	72-43-5	Methoxychlor
U154	67-56-1	Methyl alcohol (I)
U029	74-83-9	Methyl bromide
U186	504-60-9	1-Methylbutadiene (I)
U045	74-87-3	Methyl chloride (I,T)
U156	79-22-1	Methyl chlorocarbonate (I,T)
U226	71-55-6	Methyl chloroform
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U068	74-95-3	Methylene bromide
U080	75-09-2	Methylene chloride
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U138	74-88-4	Methyl iodide
U161	108-10-1	Methyl isobutyl ketone (I)
U162	80-62-6	Methyl methacrylate (I,T)
U161	108-10-1	4-Methyl-2-pentanone (I)
U164	56-04-2	Methylthiouracil
U010	50-07-7	Mitomycin C

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U059	20830-81-3	5,12-Napthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-,(8S-cis)-
U167	134-32-7	1-Naphthalenamine
U168	91-59-8	2-Naphthalenamine
U026	494-03-1	Napthalenamine, N,N'-bis(2-chloroethyl)-
U165	91-20-3	Naphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U166	130-15-4	1,4-Naphthalenedione
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt
U279	63-25-2	1-Naphthalenol, methylcarbamate
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	beta-Naphthylamine
U217	10102-45-1	Nitric acid, thallium(1+) salt
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U171	79-46-9	2-Nitropropane (I,T)
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U177	684-93-5	N-Nitroso-N-methylurea
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U180	930-55-2	N-Nitrosopyrrolidine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis (2-chloroethyl)tetrahydro-, 2-oxide
U115	75-21-8	Oxirane (I,T)
U126	765-34-4	Oxiranecarboxyaldehyde
U041	106-89-8	Oxirane, (chloromethyl)-
U182	123-63-7	Paraldehyde
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Pentachloroethane
U185	82-68-8	Pentachloronitrobenzene (PCNB)
See F027	87-86-5	Pentachlorophenol
U186	504-60-9	1,3-Pentadiene (I)
U161	108-10-1	Pentanol, 4-methyl-
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol, 2,2'-methylenebis[3,4,6-trichloro-
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U170	100-02-7	Phenol, 4-nitro-
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
U150	148-82-3	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-
U145	7446-27-7	Phosphoric acid, lead(2+) salt (2:3)
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
U189	1314-80-3	Phosphorous sulfide (R)
U190	85-44-9	Phthalic anhydride
U191	109-06-8	2-Picoline
U179	100-75-4	Piperidine, 1-nitroso-
U192	23950-58-5	Pronamide
U194	107-10-8	1-Propanamine (I,T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U110	142-84-7	1-Propanamine, N-propyl- (I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U083	78-87-5	Propane, 1,2-dichloro-
U149	109-77-3	Propanedinitrile
U171	79-46-9	Propane, 2-nitro- (I,T)
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
U193	1120-71-4	1,3-Propane sultone
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-1	2-Propenamide
U084	542-75-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propenenitrile
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propenoic acid (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U373	122-42-9	Propham
U411	114-26-1	Propoxur
U387	52888-80-9	Prosulfocarb
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl) amino]-
U164	56-04-2	4(1H)-Pyrimidinone,2,3-dihydro-6-methyl-2-thioxo-
U180	930-55-2	Pyrrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide SeS_2 (R,T)
U015	115-02-6	L-Serine, diazoacetate (ester)
See F027	93-72-1	Silvex (2,4,5-TP)
U206	18883-66-4	Streptozotocin
U103	77-78-1	Sulfuric acid, dimethyl ester
U189	1314-80-3	Sulfur phosphide (R)
See F027	93-76-5	2,4,5-T
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Tetrachloroethylene
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Thallium(I) acetate
U215	6533-73-9	Thallium(I) carbonate
U216	7791-12-0	Thallium(I) chloride
U216	7791-12-0	Thallium chloride TlCl
U217	10102-45-1	Thallium(I) nitrate
U218	62-55-5	Thioacetamide
U410	59669-26-0	Thiodicarb
U153	74-93-1	Thiomethanol (I,T)
U244	137-26-8	Thioperoxydicarbonic diamide $[(H_2N)C(S)]_2S_2$, tetramethyl-
U409	23564-05-8	Thiophanate-methyl
U219	62-56-6	Thiourea
U244	137-26-8	Thiram
U220	108-88-3	Toluene
U221	25376-45-8	Toluenediamine
U223	26471-62-5	Toluene diisocyanate (R,T)
U328	95-53-4	o-Toluidine
U353	106-49-0	p-Toluidine
U222	636-21-5	o-Toluidine hydrochloride
U389	2303-17-5	Triallate
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U226	71-55-6	1,1,1-Trichloroethane
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Trichloroethylene
U121	75-69-4	Trichloromonofluoromethane

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol
U404	121-44-8	Triethylamine
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	Trypan blue
U237	66-75-1	Uracil mustard
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	Urea, N-methyl-N-nitroso-
U043	75-01-4	Vinyl chloride
U248	[1]81-81-2	Warfarin, & salts, when present at concentrations of 0.3% or less
U239	1330-20-7	Xylene (I)
U200	50-55-5	Yohimban-16-carboxylic acid,11,17-dimethoxy -18-[(3,4,5-trimethoxybenzoyl)oxy]-,methyl ester,(3beta,16beta,17alpha,18beta,20alpha)-
U249	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations of 10% or less

(c) In Table 4.3, the superscript number "1" shall indicate that the chemical abstracts number is given for the parent compound only.

(d) New Hampshire-listed toxic wastes shall be as listed in Table 4.4 below:

Table 4.4 New Hampshire Toxic Wastes

NH Hazardous Waste Number	Hazardous Waste
NH12 to NH50	Reserved

Readopt with amendments Env-Hw 402.06, eff. 1-28-09 (doc. #9367), to read as follows:

Env-Hw 402.06 Generic Industrial Process Wastes.

(a) EPA-listed generic industrial process wastes shall be as listed in Table 4.5 below:

Table 4.5 EPA Generic Industrial Process Wastes

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
Generic:		
F001	The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures/blends used in degreasing containing, before use, a total of 10 percent or more, by volume, of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
F002	The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane, and 1,1,2- trichloroethane; all spent solvent mixtures/blends containing, before use, a total of 10 percent or more, by volume, of one or more of the above halogenated solvents or those listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F003	The following spent non-halogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent non-halogenated solvents; all spent solvent mixtures/blends containing, before use, one or more of the above non-halogenated solvents, and, a total of 10 percent or more, by volume, of one or more of those solvents listed in F001, F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(I), subject to (b), below
F004	The following spent non-halogenated solvents: Cresols and cresylic acid, and nitrobenzene; all spent solvent mixtures/blends containing, before use, a total of 10 percent or more, by volume, of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F005	The following spent non-halogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of 10 percent or more, by volume, of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(I,T)
F006	Wastewater treatment sludges from common and precious metals electroplating, anodizing, chemical etching and milling, bright dipping, electropolishing, electrochemical machining, and cleaning and stripping when associated with these processes, except as follows: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Wastewater treatment sludges from chemical conversion coating or electroless plating shall not be included in the F006 listing.	(T)
F007	Spent cyanide plating bath solutions from electroplating operations.	(R,T)
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.	(R,T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.	(R,T)
F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.	(R,T)
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.	(R,T)
F012	Quenching waste water treatment sludges from metal heat treating operations where cyanides are used in the process.	(T)
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. Subject to the definitions and requirements of 40 CFR 261.31(b)(4), wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process shall not be subject to this listing at the point of generation if the wastes are not placed outside on the land prior to shipment to a landfill for disposal and are disposed of in: an out-of-state solid waste municipal or industrial landfill unit that is equipped with a single clay liner and is permitted, licensed or otherwise authorized by the state; an out-of-state landfill unit subject to, or otherwise meeting, the landfill requirements in 40 CFR 258.40, 40 CFR 264.301 or 40 CFR 265.301; or a New Hampshire landfill that is permitted to accept the waste under RSA 149-M or is regulated under Env-Hw 707 or Env-Hw 708.	(T)
F020	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production or manufacturing use, as a reactant, chemical intermediate, or component in a formulating process, of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. Wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol shall not be included with the wastes listed under the F020 hazardous waste number.	(H)
F021	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production or manufacturing use as a reactant, chemical intermediate, or component in a formulating process, of pentachlorophenol, or of intermediates used to produce its derivatives.	(H)
F022	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production or manufacturing use as a reactant, chemical intermediate, or component in a formulating process, of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.	(H)
F023	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production of materials on equipment previously used for the production or manufacturing use as a reactant, chemical intermediate, or component in a formulating process, of tri- and tetrachlorophenols. Wastes from equipment used only for the production or use of Hexachlorophene from highly purified 2,4,5-trichlorophenol shall not be included with the wastes listed under the F023 hazardous waste number.	(H)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
F024	Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from 1 to and including 5, with varying amounts and positions of chlorine substitution. This listing shall not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in Env-Hw 402.06 and 402.07.	(T)
F025	Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from 1 to and including 5, with varying amounts and positions of chlorine substitution.	(T)
F026	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production of materials on equipment previously used for the manufacturing use, as a reactant, chemical intermediate, or component in a formulating process, of tetra-, penta-, or hexachlorobenzene under alkaline conditions.	(H)
F027	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. Formulations containing Hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component shall not be included with the wastes listed under the F027 hazardous waste number.	(H)
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Numbers F020, F021, F022, F023, F026, and F027.	(T)
F032	Except as provided in 40 CFR 261.35, wastewaters, process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations, except wastewaters that have not come into contact with process contaminants, and except potentially cross-contaminated wastes that either have had the F032 waste code deleted in accordance with 40 CFR 261.35, or that are otherwise currently regulated as F034 or F035 hazardous wastes, provided the generator does not resume or initiate use of chlorophenolic formulations. This listing shall not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
F034	Wastewaters, process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations, except wastewaters that have not come into contact with process contaminants. This listing shall not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	(T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
F035	Wastewaters, process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium, except wastewaters that have not come into contact with process contaminants. This listing shall not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
F037	Petroleum refinery primary oil/water/solids separation sludge as specified in 40 CFR 261.31(a), (b)(1), (b)(2) and (b)(3)(i).	(T)
F038	Petroleum refinery secondary (emulsified) oil/water/solids separation sludge as specified in 40 CFR 261.31(a), (b)(1), (b)(2) and (b)(3)(ii).	(T)
F039	Leachate resulting from the land disposal of more than one restricted waste classified as hazardous under Env-Hw 400. Leachate resulting from the disposal of one or more of the following EPA hazardous wastes and no other hazardous wastes shall retain its EPA hazardous waste numbers: F020, F021, F022, F026, F027, and/or F028, and shall not be included with the wastes listed under the F039 hazardous waste number.	(T)

(b) The hazard codes (I, T) shall be used to specify mixtures of F003 with F001, F002, F004, and F005 wastes, which would then contain ignitable and toxic constituents.

(c) New Hampshire-listed generic process wastes shall be as listed in Table 4.6 below:

Table 4.6 New Hampshire Generic Industrial Process Wastes

NH Hazardous Waste Number	Hazardous Waste	Hazard Code
NH01	Used Oil	(T)
NH51 to NH74	Reserved	

Readopt with amendments Env-Hw 402.07, eff. 1-28-09 (doc. #9367), as amended eff. 10-19-12 (doc. #10205), to read as follows:

Env-Hw 402.07 Specific Industrial Process Wastes.

(a) EPA-listed specific industrial process wastes shall be as listed in Table 4.7 below:

Table 4.7 EPA Specific Industrial Process Wastes

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
Wood Preservation:		
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
Inorganic Pigments:		
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)
Organic Chemicals:		
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(R,T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from napthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production for trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/ aniline production.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1- dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,T)
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from immediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K149	Distillation bottoms from the production of alpha- or methyl-chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. This waste does not include still bottoms from the distillation of benzyl chloride.	(T)
K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- or methyl- chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- or methyl- chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. This listing shall not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.	(T)
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. This listing shall not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.	(T)
K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. This listing shall not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.	(T)
K159	Organics from the treatment of thiocarbamate wastes.	(T)
K161	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. This listing shall not include K125 or K126 wastes.	(R,T)
K174	Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer, including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater, unless the sludges meet the conditions specified in 40 CFR 261.32(a).	(T)
K175	Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process.	(T)
K181	Nonwastewaters from the production of dyes and/or pigments, including nonwastewaters commingled at the point of generation with nonwastewaters from other processes, that meet the listing description for K181 as provided in 40 CFR 261.32(a) through (d).	(T)
Inorganic Chemicals:		
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)
K176	Baghouse filters from the production of antimony oxide, including filters from the production of intermediates such as antimony metal or crude antimony oxide.	(E)
K177	Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates such as antimony metal or crude antimony oxide.	(T)
K178	Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process.	(T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
Pesticides:		
K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclo-pentadiene in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K099	Untreated wastewater from the production of 2,4-D	(T)
K123	Process wastewater, including supernates, filtrates and washwaters, from the production of ethylenebisdithiocarbamic acid and its salt.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C,T)
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
Explosives:		
K044	Wastewater treatment sludges from the manufacturing processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
Petroleum Refining:		
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)
K169	Crude oil storage tank sediment from petroleum refining operations.	(T)
K170	Clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations.	(T)
K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. This listing does not include inert support media.	(I,T)
K172	Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. This listing does not include inert support media.	(I,T)
Iron and Steel:		
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC codes 331 and 332).	(C,T)
Primary aluminum:		
K088	Spent potliners from primary aluminum reduction.	(T)
Secondary Lead:		
K069	Emission control dust/sludge from secondary lead smelting.	(T)
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)
Veterinary Pharmaceuticals:		
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
Ink Formulation:		
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.	(T)
Coking:		
K060	Ammonia still lime sludge from coking operations.	(T)
K087	Decanter tank tar sludge from coking operations.	(T)
K141	Process residues from the recovery of coal tar, including but not limited to, collecting sump residues from the production of coke from coal tar or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).	(T)
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	(T)
K143	Process residues from the recovery of light oil, including but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.	(T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
K144	Wastewater sump residues from light oil refining, including but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.	(T)
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	(T)
K147	Tar storage tank residues from coal tar refining.	(T)
K148	Residues from coal tar distillation, including but not limited to, still bottoms.	(T)

(b) New Hampshire specific industrial process wastes shall be as listed in Table 4.8 below:

Table 4.8 New Hampshire Specific Industrial Process Wastes

NH Hazardous Waste Number	Hazardous Waste
NH75 to NH97	Reserved

PART Env-Hw 403 CHARACTERISTIC HAZARDOUS WASTES

Readopt with amendments Env-Hw 403.01 through Env-Hw 403.03, eff. 1-28-09 (doc. #9367), to read as follows:

Env-Hw 403.01 Characteristic Hazardous Wastes.

(a) A waste shall be a characteristic hazardous waste if it exhibits any of the characteristics identified in Env-Hw 403.03 through Env-Hw 403.06.

(b) For purposes of Env-Hw 403 and Env-Hw 405.03, a sample of waste obtained using a sampling method appropriate for the waste, as specified in 40 CFR 261 Appendix I, shall be a representative sample as defined in Env-Hw 104.

Env-Hw 403.02 Hazardous Waste Numbers.

(a) Characteristic hazardous wastes shall be assigned the EPA hazardous waste numbers and NH hazardous waste number as set forth in Env-Hw 403.03 through Env-Hw 403.06.

(b) Every applicable EPA and NH hazardous waste number assigned to each hazardous waste characteristic shall be used in complying with the notification, labeling, manifest and recordkeeping and reporting requirements of Env-Hw 500 through Env-Hw 800.

Env-Hw 403.03 Ignitability.

(a) A waste that exhibits the characteristic of ignitability shall be assigned the EPA hazardous waste number of D001.

(b) A waste shall be classified under these rules as ignitable if a representative sample of the waste has any of the following characteristics:

(1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60°C (140°F) as determined by:

a. A Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, available as noted in Appendix B;

b. A Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78, available as noted in Appendix B; or

c. An equivalent test method approved by the administrator of EPA pursuant to 40 CFR 260.20 and 40 CFR 260.21;

(2) It is not a liquid and is capable, under standard temperatures and pressure, of causing fire through friction, absorption of moisture, or spontaneous chemical changes, and when ignited, it burns so vigorously and persistently that it creates a hazard;

(3) It is an ignitable compressed gas or a flammable gas as defined by the US DOT at 49 CFR 173.115(a) and as determined by the test method described in that regulation or an equivalent test method approved by the administrator of EPA pursuant to 40 CFR 260.20; or

(4) It is an oxidizer as defined by 49 CFR 173.127.

Readopt with amendments Env-Hw 403.04, eff. 1-28-09 (doc. #9367), as amended eff. 10-19-12 (doc. #10205), to read as follows:

Env-Hw 403.04 Corrosivity.

(a) A waste that exhibits the characteristic of corrosivity shall be assigned the EPA hazardous waste number of D002 if it meets the criteria set forth in (b)(1) or (2), below, and the NH hazardous waste number of NH02 if it meets the criteria set forth in (b)(3), below.

(b) A waste shall be classified under these rules as corrosive if a representative sample has any of the following characteristics:

(1) It is aqueous and has a pH of less than or equal to 2, or greater than or equal to 12.5, as determined by a pH meter using either method 9040 in EPA publication SW-846, as specified in Env-Hw 104 and available as noted in Appendix B, or an equivalent test method approved by the administrator of EPA under the procedures set forth in 40 CFR 260.20 and 40 CFR 260.21;

(2) It is a liquid and corrodes steel (SAE 1020) at a rate of greater than 6.35 mm or 0.250 inch per year at a test temperature of 55°C (130°F) as determined by method 1110A in EPA publication SW-846, as specified in Env-Hw 104 and available as noted in Appendix B, or an equivalent test method approved by the administrator of EPA under the procedures set forth in 40 CFR 260.20 and 40 CFR 260.21; or

(3) It is a non-aqueous waste that when mixed 50% by weight with distilled water, or a gaseous material that when mixed with distilled water to form a 2 molar solution, yields a pH less than or equal to 2 or greater than or equal to 12.5 as measured with a pH meter using the protocol specified in method 9045D of EPA publication SW-846, as specified in Env-Hw 104 and available as noted in Appendix B.

Readopt with amendments Env-Hw 403.05 and Env-Hw 403.06, eff. 1-28-09 (doc. #9367), to read as follows:

Env-Hw 403.05 Reactivity.

(a) A waste that exhibits the characteristic of reactivity shall be assigned the EPA hazardous waste number of D003.

(b) A waste shall be considered reactive if a representative sample has any of the following characteristics:

(1) It is unstable and readily undergoes violent change without detonation under standard conditions of temperature and pressure;

(2) It reacts violently with water or air;

(3) It forms potentially explosive mixtures with water or air;

(4) If mixed with water or exposed to air, it generates toxic gases, fumes, or vapors in a quantity sufficient to present a danger to human health or the environment;

(5) It is a cyanide- or sulfide-bearing waste that, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, fumes, or vapors in a quantity sufficient to present a danger to human health or the environment;

(6) It is capable of detonation or explosive reaction if it is subjected to an initiating force, or if heated in confinement;

(7) It is capable of detonation or an explosive decomposition or reaction at standard temperature and pressure; or

(8) It is a forbidden explosive as defined by 49 CFR 173.54, or a division 1.1 explosive as defined by 49 CFR 173.50(b)(1), or a division 1.2 explosive as defined by 49 CFR 173.50(b)(2), or a division 1.3 explosive as defined by 49 CFR 173.50(b)(3).

Env-Hw 403.06 Toxicity Characteristic.

(a) A waste shall be considered to exhibit the characteristic of toxicity if, using the toxicity characteristic leaching procedure, test method 1311 in EPA publication SW-846, as specified in Env-Hw 104 and available as noted in Appendix B, the extract from a representative sample of the waste contains any of the contaminants listed in (d), below, at a concentration equal to or greater than the respective value in that table.

(b) Where the waste contains less than 0.5 percent filterable solids, the waste, by itself, after filtering, shall be considered to be the extract.

(c) A waste that exhibits the characteristic of toxicity shall be assigned the EPA hazardous waste numbers specified in (d), below, which correspond to the toxic contaminants causing it to be hazardous.

(d) Contaminants, EPA hazardous waste numbers, and maximum allowable concentrations shall be listed in Table 4.9 below:

Table 4.9 Maximum Concentration of Contaminants for the Toxicity Characteristic

EPA Hazardous Waste Number	Contaminant	Chemical Abstract Number	Regulatory Level (milligrams per liter)
D004	Arsenic	7440-38-2	5.0
D005	Barium	7440-39-3	100.0
D018	Benzene	71-43-2	0.5
D006	Cadmium	7440-43-9	1.0
D019	Carbon tetrachloride	56-23-5	0.5
D020	Chlordane	57-74-9	0.03
D021	Chlorobenzene	108-90-7	100.0
D022	Chloroform	67-66-3	6.0
D007	Chromium	7440-47-3	5.0
D023	o-Cresol	95-48-7	200.0
D024	m-Cresol	108-39-4	200.0
D025	p-Cresol	106-44-5	200.0

EPA Hazardous Waste Number	Contaminant	Chemical Abstract Number	Regulatory Level (milligrams per liter)
D026	Cresol	.....	200.0
D016	2,4-D	94-75-7	10.0
D027	1,4-Dichlorobenzene	106-46-7	7.5
D028	1,2-Dichloroethane	107-06-2	0.5
D029	1,1-Dichloroethylene	75-35-4	0.7
D030	2,4-Dinitrotoluene	121-14-2	0.13
D012	Endrin	72-20-8	0.02
D031	Heptachlor (and its epoxide)	76-44-8	0.008
D032	Hexachlorobenzene	118-74-1	0.13
D033	Hexachlorobutadiene	87-68-3	0.5
D034	Hexachloroethane	67-72-1	3.0
D008	Lead	7439-92-1	5.0
D013	Lindane	58-89-9	0.4
D009	Mercury	7439-97-6	0.2
D014	Methoxychlor	72-43-5	10.0
D035	Methyl ethyl ketone	78-93-3	200.0
D036	Nitrobenzene	98-95-3	2.0
D037	Pentachlorophenol	87-86-5	100.0
D038	Pyridine	110-86-1	5.0
D010	Selenium	7782-49-2	1.0
D011	Silver	7440-22-4	5.0
D039	Tetrachloroethylene	127-18-4	0.7
D015	Toxaphene	8001-35-2	0.5
D040	Trichloroethylene	79-01-6	0.5
D041	2,4,5-Trichlorophenol	95-95-4	400.0
D042	2,4,6-Trichlorophenol	88-06-2	2.0
D017	2,4,5-TP (Silvex)	93-72-1	1.0
D043	Vinyl chloride	75-01-4	0.2

PART Env-Hw 404 OTHER HAZARDOUS WASTES

Readopt with amendments Env-Hw 404.01, eff. 1-28-09 (doc. #9367), as amended eff. 10-19-12 (doc. #10205), to read as follows:

Env-Hw 404.01 Hazardous Waste Mixtures.

(a) The following mixtures shall be regulated as hazardous wastes:

(1) A mixture of any waste or material with any waste listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a), unless the listed waste has been excluded or is exempt from regulation as a hazardous waste pursuant to:

a. 40 CFR 260.20, 40 CFR 260.22, and Env-Hw 406;

b. Env-Hw 401.03(f); or

c. 40 CFR 261.3(a)(2)(iv)(D); or

(2) Any waste or material, mixed with any waste exhibiting a hazardous waste characteristic identified in Env-Hw 403, if the resultant mixture exhibits one or more of the hazardous characteristics identified in Env-Hw 403 or by the department in accordance with Env-Hw 405.03.

(b) Mixing, neutralizing, diluting, or otherwise treating any hazardous waste or other material regulated under Env-Hw 400 shall constitute hazardous waste treatment. Any such treatment shall comply with all permit requirements and facility standards.

Readopt Env-Hw 404.02, eff. 1-28-09 (doc. #9367), to read as follows:

Env-Hw 404.02 Spill Residues and Contaminated Soil, Water and Debris. Any residue or contaminated soil, water or other debris resulting from the spill or cleanup of a spill into or on any land or water of any hazardous waste or any material listed in Env-Hw 402 shall be regulated as a hazardous waste mixture in accordance with Env-Hw 404.01.

Readopt with amendments Env-Hw 404.03, eff. 1-28-09 (doc. #9367), ss eff. 10-19-12 (doc. #10205), to read as follows:

Env-Hw 404.03 Treatment, Storage, or Disposal Residues.

(a) All waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate, including precipitation run-off that exhibits a hazardous characteristic, shall be regulated as a hazardous waste except as provided by Env-Hw 401.03(b)(16), Env-Hw 401.03(b)(31) - (b)(34), or Env-Hw 401.03(f).

(b) Materials that are reclaimed from wastes and that are used beneficially shall not be wastes and so shall not be considered hazardous wastes unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

Readopt with amendments Env-Hw 404.04, eff. 1-28-09 (doc. #9367), to read as follows:

Env-Hw 404.04 Hazardous Waste Residues in Empty Containers.

(a) Hazardous waste residue remaining in either an empty container or an inner liner removed from an empty container, as described in Env-Hw 401.03(d), shall not be subject to regulation under the hazardous waste rules, provided that the residue is not mixed with any other material and remains in its original container or inner liner.

(b) Any hazardous waste residue or mixture of residue with other material that leaves the confines of a container after the container has been determined to be empty in accordance with Env-Hw 401.03(d), including wash waters, solvents and other materials generated in the process of cleaning and purging, shall be subject to regulation under Env-Hw 404 as a hazardous waste mixture.

Readopt with amendments Env-Hw 405, eff. 1-28-09 (doc. #9367), to read as follows:

PART Env-Hw 405 LISTING AND IDENTIFYING ADDITIONAL HAZARDOUS WASTES

Env-Hw 405.01 Procedure for Listing New Hampshire-Listed Wastes.

(a) The department shall list a waste as a New Hampshire-listed hazardous waste in Env-Hw 402.04 or Env-Hw 402.05 if the department determines, on its own initiative or based on a showing by the public or industry, that the waste meets the criteria set forth in Env-Hw 405.02.

(b) If the department determines that a waste should be listed, the department shall undertake a rulemaking as specified in RSA 541-A to modify the appropriate rule in this chapter.

Env-Hw 405.02 Criteria for Listing a Hazardous Waste.

(a) The department shall list a waste as a New Hampshire acutely hazardous waste in Env-Hw 402.04(d) only upon determining that the waste meets one of the following criteria:

(1) It has been found to be fatal to humans in low doses;

(2) In the absence of data on human toxicity, it has been shown in studies to have:

a. An oral LD 50 toxicity (rat) of less than 50 milligrams per kilogram;

b. An inhalation LC 50 toxicity (rat) of less than 2 milligrams per liter; or

c. A dermal LD 50 toxicity (rabbit) of less than 200 milligrams per kilogram; or

(3) Is otherwise capable of causing or significantly contributing to an increase in serious irreversible, or incapacitating reversible, illness.

(b) The department shall list a waste as a New Hampshire toxic hazardous waste in Env-Hw 402.05(d) if the waste contains any of the toxic constituents listed in 40 CFR 261 Appendix VIII and, after considering the following factors, the department concludes that the waste could pose a substantial hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed:

(1) The nature of the toxicity presented by the constituent;

(2) The concentration of the constituent in the waste;

(3) The potential of the constituent or any toxic degradation product of the constituent to migrate from the waste into the environment under the types of improper management considered in (b)(7), below;

(4) The persistence of the constituent or any toxic degradation product of the constituent;

(5) The potential for the constituent or any toxic degradation product of the constituent to degrade into non-harmful constituents and the rate of degradation;

(6) The degree to which the constituent or any degradation product of the constituent bioaccumulates in ecosystems;

(7) The plausible types of improper management to which the waste could be subjected;

(8) The quantities of the waste generated at individual generation sites or on a regional or national basis;

(9) The nature and severity of the human health and environmental damage that has occurred as a result of the improper management of wastes containing the constituent;

(10) Action taken by other governmental agencies or regulatory programs based on the health or environmental hazard posed by the waste or waste constituent; and

(11) Such other factors relevant to the determination as brought to the department's attention by any person or agency.

(c) The department shall list classes or types of waste as hazardous waste if it has reason to believe that individual wastes, within the class or type of waste, typically or frequently are hazardous under the definition of hazardous waste found in RSA 147-A:2, VII.

Env-Hw 405.03 Criteria for Identifying Characteristic Wastes. The department shall identify and define a characteristic of hazardous waste only upon determining that:

(a) A waste that exhibits the characteristic may:

(1) Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or

(2) Pose a present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed; and

(b) The characteristic can be:

(1) Measured by an available standardized test method that is within the capability of generators of waste or private sector laboratories that are available to serve generators of waste; or

(2) Detected by generators of waste through their knowledge of their waste.

Readopt with amendments Env-Hw 406, eff. 1-28-09 (doc. #9367), to read as follows:

PART Env-Hw 406 DELISTING HAZARDOUS WASTES

Env-Hw 406.01 Requests for Delisting.

(a) Any person may petition the department to delist a hazardous waste generated at a particular facility if:

(1) The waste is listed in Env-Hw 402.04(d), Env-Hw 402.05(d), Env-Hw 402.06(c), or Env-Hw 402.07(b); or

(2) The waste is listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a), or Env-Hw 402.07(a), and EPA has excluded the waste generated at the facility pursuant to 40 CFR 260.20 and 40 CFR 260.22 and listed it in 40 CFR 261 Appendix IX.

(b) A delisting petition shall only apply to a hazardous waste generated at the individual facility named in the petition.

Env-Hw 406.02 Requirements for a Delisting Petition.

(a) To request a delisting, the petitioner shall provide the following information to the department:

(1) The petitioner's name and address;

(2) The location of the facility generating the waste for which the delisting is requested, along with a plot plan identifying the facility and surrounding properties located within 1,000 feet of the facility;

(3) A statement of the delisting action requested;

(4) A statement of the petitioner's interest in the delisting action requested;

(5) A statement of the petitioner's need and justification for the delisting action requested;

(6) A description of the waste for which the delisting is requested including a statement as to which category of waste in Env-Hw 402.01 it may be classified;

(7) An estimate of the average and the maximum quantities of the waste for which the delisting is requested generated monthly and annually;

(8) A description and flow diagram of the process generating the waste for which delisting is requested;

(9) A list, description, and schematic diagram for each process that may contribute waste, wastewater, or rinse water to the waste for which delisting is requested;

(10) A complete list of all raw materials, and, where known, intermediates, by-products, and products used in the manufacturing process grouped by sub-process;

(11) Copies of manufacturer's material safety data sheets and supplier's technical specification sheets for all materials including but not limited to solvents, acid cleaners, surface preparation agents, and paints used in the petitioner's manufacturing processes;

(12) An assessment of whether the manufacturing processes, facility operations, or feed materials can or might produce a waste that is not covered by the petition;

(13) A description of all tests performed on the waste for which delisting is requested and copies of all analytical results;

(14) A description of the methodologies and equipment used to obtain representative samples of the waste;

(15) A description of sample handling and preparation techniques, including those for extraction, containerization, and preservation of samples;

(16) Sampling and testing dates;

(17) The name and address of laboratory facilities sampling or testing the wastes for which delisting is requested;

(18) The names and qualifications of those doing the sampling and/or testing of the waste for which delisting is requested;

(19) The names, model numbers, year of manufacture, and last date of calibration of all instruments used in performing the tests referred to in (a)(13), above;

(20) A plan for treatment, storage or disposal of the delisted waste if delisting of the waste is to be permitted by the department; and

(21) Certification, subject to Env-Hw 207, signed by the generator of the waste or the generator’s authorized representative that the information submitted is true, complete and not misleading.

(b) The petitioner shall:

(1) Collect a sufficient number of representative samples, but in no case fewer than 4, over a period of time sufficient to represent the variability and the uniformity of the waste; and

(2) Provide a signed statement certifying, subject to Env-Hw 207, that the number of samples collected and analyzed is representative of any variation in constituent concentrations in the waste over time.

(c) If hazardous waste constituents listed in Table 4.9 of Env-Hw 403, other than those for which delisting is requested, might be present in the waste stream, the petitioner shall:

(1) Analyze the representative samples of the waste stream to quantify all hazardous waste constituents in the waste stream; and

(2) Submit a description and the results of all analyses performed to the department.

(d) The petitioner shall perform the following tests on representative samples of the waste and include the analytical results of such tests with the petition:

(1) Total organic carbon and report results on the representative samples using Method 415.1 - Total Organic Carbon (Combustion or Oxidation) of Methods for Chemical Analysis of Water and Wastes as printed by the U.S. Environmental Protection Agency, March 1979, available as noted in Appendix B;

(2) For wastes containing or generated by processes using cyanide:

a. If a liquid waste, total and free cyanide or cyanide amenable to chlorination using method 9010C in EPA publication SW-846, as specified in Env-Hw 104 and available as noted in Appendix B;

b. If a solid or semi-solid waste, a cyanide extraction procedure from EPA publication SW-846, as specified in Env-Hw 104 and available as noted in Appendix B, to determine the total soluble and insoluble cyanide; and

c. If the cyanide tests run in a. and b., above, indicate that there is an interference in the waste producing non-representative concentrations, then a detailed explanation of this interference shall be submitted;

(3) If an organic waste, the total quantities of all hazardous constituents using methods 8260 and 8270 in EPA publication SW-846, as specified in Env-Hw 104 and available as noted in Appendix B; and

(4) If a reactive waste, representative waste samples shall be tested using the Department of the Army's Detonation Test, Ignition and Unconfined Burning Test, Thermal Stability Test, Card Gap Test, and Impact Sensitivity Test as set forth in Department of Army publication number TB700-2, available as noted in Appendix B.

Env-Hw 406.03 Review of Petition for Delisting.

(a) Subject to Env-Hw 406.04 through Env-Hw 406.07, below, the department shall grant a delisting if:

(1) The petition includes all of the information in Env-Hw 406.02;

(2) The requirements in (b), below, are met; and

(3) None of the circumstances in (c), below, exist.

(b) To support a delisting, the petition shall demonstrate the following:

(1) The waste produced by a particular generating facility fails to meet any of the criteria under which the waste was listed as a hazardous waste;

(2) Based on the factors set forth in 40 CFR 261.11(a)(3), the waste is not capable of posing a significant present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise mismanaged;

(3) The waste for which delisting is requested is not ignitable, corrosive, reactive, or toxic, as described in Env-Hw 403;

(4) The waste does not contain any of the hazardous waste constituents listed in Appendix VIII of 40 CFR 261, using the appropriate test methods prescribed in 40 CFR 261 Appendix I, or although containing one or more of the constituents in Appendix VII or Appendix VIII, that the waste does not meet the criterion of Env-Hw 405.02(b);

(5) The waste does not meet the criteria of 40 CFR 261.11(a)(2); and

(6) All test methods and procedures are in conformance with the procedures, methods, and requirements referenced in Env-Hw 406.02(b) through (d) and in 40 CFR 260.11 and 40 CFR Part 261, or with any other method approved by EPA prior to filing a petition for delisting.

(c) The department shall not grant a delisting if:

(1) A 40 CFR Part 261 Appendix VIII toxicant is:

a. Used as a raw material or intermediate;

b. Used in the process as a catalyst, reactant, inhibitor, binder, or enhancer; or

c. Produced as a by-product or product;

(2) Analytical data presented in the petition discloses that hazardous levels of toxicants are contained in the waste;

(3) Process chemistry of reactions conducted at the facility indicates the formation of toxic by-product contaminants;

(4) Industry study data shows presence of other toxic constituents;

(5) Other data collected through review of scientific, toxicological, and industrial literature or operational data collected by the department during an inspection indicates the presence of additional hazardous constituents;

(6) The petitioner has a history of non-compliance; or

(7) Other information brought to the department's attention by any person or agency demonstrates that delisting would not be sufficiently protective of human health, safety, or the environment; or

Env-Hw 406.04 Requests for Additional Information.

(a) If the department determines that the information required by Env-Hw 406.02(a) has been submitted but is insufficient for the department to determine whether the criteria in Env-Hw 406.03(b) have been met, the department shall notify the petitioner in writing of the additional information believed by the department to be necessary to evaluate the petition.

(b) The notice shall specify the information needed and the deadline for submitting the information, as determined based on the type and volume of information.

Env-Hw 406.05 Denial of Petition for Delisting. The department shall deny a petition if:

(a) The department determines that the requirements in Env-Hw 406.03(a) and (b) are not met;

(b) The department determines that any of the circumstances in Env-Hw 406.03(c) exist; or

(c) The petitioner fails to provide additional information requested by the department pursuant to Env-Hw 406.04.

Env-Hw 406.06 Conditional Delisting.

(a) The department shall grant a delisting with such conditions as are necessary to ensure that the requirements of Env-Hw 406.03 are met.

(b) Conditions shall be based on the need for the petitioner to demonstrate periodically that the delisted waste is being managed in such a way that it does not pose a present or potential threat to human health or the environment including:

(1) Scheduled analytical testing on the delisted waste and reporting results;

(2) Quality assurance/quality control monitoring of the processes producing the delisted waste and reporting results; and

(3) For disposed wastes, design standards such as groundwater monitoring.

Env-Hw 406.07 Partial Delisting. The department shall delist only part of the hazardous waste for which the petition is submitted if variability of the waste justifies this action.

APPENDIX A: STATE STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented	Federal Regulations Implemented
Env-Hw 400	RSA 147-A:3, I, II, IV & VI	40 CFR 261

APPENDIX B: INCORPORATION BY REFERENCE INFORMATION

Rule	Title	Obtain at:
Env-Hw 401.02(b); Env-Hw 401.04; Env-Hw 401.06(k); Env-Hw 403.04(b)(1); Env-Hw 403.04(b)(2); Env-Hw 403.04(b)(3); Env-Hw 403.06(a); Env-Hw 406.02(d)(2)a.; Env-Hw 406.02(d)(2)b.; Env-Hw 406.02(d)(3)	EPA publication "SW-846 Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", Third Edition, November 1986, as amended by Update I dated July 1992, Update II dated September 1994, Update IIA dated August 1993, Update IIB dated January 1995, Update III dated December 1996, Update IIIA dated April 1998, Update IIIB dated November 2004, and Update IV dated February 2007	Free online at: http://www.epa.gov/osw/hazard/testmethods/sw846/online/index.htm
		American Society for Testing and Materials 100 Barr Harbor Dr West Conshohocken, PA 19428-2959 (877) 909-2786 http://www.astm.org
Env-Hw 401.06(a); Env-Hw 403.03(b)(1)b.	"ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D-3278-78	$44
Env-Hw 401.06(b); Env-Hw 403.03(b)(1)a.	"ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80	$50
Env-Hw 401.06(c)	"ASTM Standard Method for Analysis of Reformed Gas by Gas Chromatography," ASTM Standard D-1946-82	$44
Env-Hw 401.06(d)	"ASTM Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method)," ASTM Standard D-2382-83	$44

Rule	Title	Obtain at:
Env-Hw 401.06(e)	"ASTM Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," ASTM Standard E-169-87	$44
Env-Hw 401.06(f)	"ASTM Standard Practices for General Techniques of Infrared Quantitative Analysis," ASTM Standard E 168-88	$60
Env-Hw 401.06(g)	"ASTM Standard Practice for Packed Column Gas Chromatography," ASTM Standard E-260-85	$50
Env-Hw 401.06(h)	"ASTM Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography," ASTM Standard D-2267-88	$44
Env-Hw 401.06(m)	"ASTM Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analyses of Metals," ASTM Standard E926-88, Test Method C-Bomb, Acid Digestion Method	$52.80
Env-Hw 401.06(o)	"ASTM Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope," ASTM Standard D 2879-92	$44
Env-Hw 401.06(i)	"APTI Course 415: Control of Gaseous Emissions," EPA Publication EPA-450/2-81-005, December 1981	National Technical Reports Library (NTRL) National Technical Information Service (NTIS) 5285 Port Royal Rd Springfield, VA 22161 (800) 553-NTIS [(800) 553-6847] Free online with registration at: https://ntrl.ntis.gov/ntrl/login.xhtml
Env-Hw 401.06(j)	"Flammable and Combustible Liquids Code," 1977 or 1981	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269 (617) 770-3000 www.nfpa.org $31
Env-Hw 401.06(l)	"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised," October 1992, EPA Publication No. EPA-450/R-92-019	National Service Center for Environmental Publications (NSCEP) U.S. Environmental Protection Agency Research Triangle Park, NC 27711 (800) 490-9198 Free online at: http://www2.epa.gov/nscep

Rule	Title	Obtain at:
Env-Hw 401.06(n)	API Publication 2517, Third Edition, February 1989, "Evaporative Loss from External Floating-Roof Tanks"	American Petroleum Institute 1220 L Street, NW Washington, DC 20005 (800) 699-9277 Free online with registration at: www.api.org
Env-Hw 406.02(d)(1)	Method 415.1 - Total Organic Carbon (Combustion or Oxidation) of Methods for Chemical Analysis of Water and Wastes	US Environmental Protection Agency William Jefferson Clinton Federal Building 1200 Pennsylvania Ave, NW Washington, DC 20460 (202) 564-6830 Free online at: http://www2.epa.gov/quality/total-organic-carbon-water-epa-method-4151-combustion-or-oxidation-epa-method-4152-uv
Env-Hw 406.02(d)(4)	Department of the Army's Detonation Test, Ignition and Unconfined Burning Test, Thermal Stability Test, Card Gap Test, and Impact Sensitivity Test as set forth in Department of Army publication number TB700-2	Department of Defense Explosives Safety Board Suite 16E12 4800 Mark Center Drive Alexandria, VA 22350-3606 (571) 372-6747 Free online at: https://www.ddesb.pentagon.mil/docs/tb700-2.pdf

APPENDIX C: STATE STATUTORY DEFINITIONS

[none for these chapters]

APPENDIX D: FEDERAL DEFINITIONS AND REGULATIONS

40 CFR 260.10

Point source means any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

Wipe means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

40 CFR 261.4(a)(1)(ii)

''Domestic sewage'' means untreated sanitary wastes that pass through a sewer system.

APPENDIX E: EMERGENCY TELEPHONE NUMBERS

[does not apply to these chapters]