

NHDES

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Generator Site

Bridges in close proximity to one another (*e.g.*, a cloverleaf of bridges) are considered one “site,” which is consistent with the definition of “site” under the NH Hazardous Waste Rules, Env-Wm 100-1100.

A “site” is defined in Env-Wm 110.01(c)(112) as “...**the land or water area where any facility or activity is physically located or conducted, including adjacent land [emphasis added] used in connection with the facility or activity.**”

A “site” would therefore include the bridge property boundary and any nearby or connected property (*i.e.*, adjacent land) used for facility operations. Adjacent land may or may not imply contact but always implies an absence of anything of the same kind in between (*e.g.*, properties that are nearby but separated by a river or a road can be adjacent; however, properties that are separated by another generator site are not adjacent). The term “site” is the key to determine the facility boundary for which a single EPA Identification Number is issued under Env-Wm 505.02. The bridge(s) and hazardous waste storage area are considered one “site,” with a single EPA Identification Number, if all the following conditions are met:

- 1) The bridge(s) property boundary shares a common border with or is adjacent to the hazardous waste storage area property.
- 2) The hazardous waste storage area property is either owned by NHDOT or NHDOT has written permission with the property owner to locate the hazardous waste storage area on his property.
- 3) The “site” is under the direct control of NHDOT and NHDOT, as the owner of the bridge, has identified itself as the property owner on the notification required under Env-Wm 504.01.
- 4) NHDOT, as the owner of the hazardous waste, has identified itself as the company name (*i.e.*, generator) on the notification required under Env-Wm 504.01.

“On-Site” Transportation

“On-site” transportation of hazardous waste includes transportation within the site and transportation of waste off of the site back onto another section of the same site. The term “on-site” is important since Env-Wm 601.02 exempts generators that transport hazardous waste on-site, from the Env-Wm 600 rules - Requirements For Hazardous Waste Transporters.

“On-site” is defined in Env-Wm 110.01(c)(91), as “...the same or geographically **contiguous property [emphasis added]** which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right-of-way. The term includes **non-contiguous**

properties [emphasis added] owned by the same person but connected by a right-of-way which he controls and to which the public does not have access.”

A contiguous property implies having contact on all or most of one side and includes a nearby or adjacent property that is divided by a road (public or private) with the property entrance and exit directly across from each other and perpendicular to the road (crossroads intersection) (*i.e.*, a contiguous and adjacent property). This contiguous and adjacent property is a single “site” and issued a single EPA Identification Number. A non-contiguous property implies having no contact on all sides and includes a nearby or adjacent property that is divided by a road (public or private) with the right-of-way under the control of the owner of the properties (*i.e.*, a non-contiguous and adjacent property). This non-contiguous and adjacent property is a single “site” and issued a single EPA Identification Number.

NHDOT may transport the hazardous waste “on-site”, from the point of generation to the hazardous waste storage area under the following conditions:

- 1) For transportation on a geographically contiguous and adjacent property - the hazardous waste transportation is limited to:
 - a) within the “site” property itself and to a nearby same “site” property that is at a crossroads intersection; and
 - b) travel is by crossing a public right-of-way and crossing a private right-of-way which connects the bridge property to the hazardous waste storage area property.

At times and for safety purposes, NHDOT finds it necessary to transport its hazardous waste along a public or private right-of-way back to a geographically contiguous and adjacent property (*e.g.*, lead paint removed from a bridge underpass that is transported along state and town owned roads to a hazardous waste storage area on the “site” overpass). In this case, NHDES agrees that this transportation is completed with the intent of meeting the transportation on a geographically contiguous and adjacent property and is allowed if NHDOT meets the standards for transportation on a geographically non-contiguous and adjacent property under item 2 below.

- 2) For transportation on a geographically non-contiguous and adjacent property - the hazardous waste transportation is limited to:
 - a) within the “site” property itself and to a nearby same “site” property that is owned or controlled by DOT (*e.g.*, a cloverleaf of bridges); and
 - b) travel is along a public right-of-way or along a private right-of-way that is controlled by DOT during the hazardous waste transportation. Public access during the transportation must be restricted, which may include lane closures, barriers, traffic control devices, and police officer or NHDOT vehicle escorts; and
 - c) the distance traveled between the bridge and the hazardous waste storage area is limited to a maximum of five (5) miles along a public right-of-way and/or a private

right-of-way.

Off-Site Transportation

“Off-site” is defined in Env-Wm 110.01(c)(90), as “...*any site which is not on-site.*” Off-site transportation may best be explained as the transportation of hazardous waste between non-contiguous non-adjacent properties which are separate properties and issued different EPA Identification Numbers.

NHDOT may transport hazardous waste “off-site” under the following provisions:

- 1) the small quantity generator exemption under Env-Wm 501.02(c);
- 2) emergency and remedial actions under Env-Wm 513;
- 3) transportation requirements under Env-Wm 500 and Env-Wm 600; or
- 4) a waiver has been issued under Env-Wm 212.

NHDOT has explained that under certain circumstances, a hazardous waste storage area can not be located nearby and on the same “site” as the bridge (*i.e.*, a geographically non-contiguous non-adjacent property). In this case, it is necessary to transport the hazardous waste from the bridge “site” over a public right-of-way to the hazardous waste storage area “site”. This “off-site” transportation scenario would require that the hazardous waste be manifested from the bridge “site” (*i.e.*, generator site) and transported by a registered hazardous waste transporter to an authorized hazardous waste transfer, treatment, storage or disposal facility (*i.e.*, TSDf). NHDES believes that if and when this “off-site” transportation scenario presents itself, then it may best be handled on a case-by-case basis through the issuance of an Emergency Permit under Env-Wm 353.05(a).