Waste Management Division Update

Presented by
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at
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the NH Society of Professional Engineers
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Topics

- Rulemaking Updates
  - SW Rules Readoption
  - HW Rules – Contaminated Wipes and Tanks
  - Site Remediation/GW Permits/Brownfields
  - Pipeline Facility Response Plan Rules
  - 2015 Deadline for UST Upgrades
- Contaminated Soils Work
- MTBE Remediation Bureau Update
Amendment/Readoption of Solid Waste Rules

- Effective date: July 1, 2014
- Rule amendments:
  - reduce paperwork
  - clarify certain existing requirements
  - provide cost savings
  - promote recycling
  - make better use of limited resources to run the program
  - address changes in statute, industry, and technology

Changes to SW Rules

- Simplify Permit-by-notification procedures
- Financial Assurance requirements for LFs
- Eases regulation of land application of wood ash, exempting generators of <500 ton/yr
- Adds Compliance Certification to Annual Facility Report (AFR)
- Reorganizes and simplifies Solid Waste Operator Certification Program
Hazardous Waste Rules
Contaminated Wipes

- Eff. 12/2/14, NH has adopted rules that conditionally exempt solvent-contaminated wipes from regulation under the hazardous waste rules.
- "Wipes" includes rags, shop towels, paper towels and cotton swabs.
- Reuseable and disposable wipes exempt if the wipes meet certain criteria and are handled in accordance with reduced management standards.

Hazardous Waste Rules
Contaminated Wipes Rule, cont’d

- Reusable wipes allowed to be laundered or dry cleaned on site or off site
- Disposable wipes allowed to be disposed of in NH SW combustion facilities and in SW facilities in other states (where allowed)
- Similar to recent federal rules but more stringent in two ways: wipes cannot be disposed in NH solid waste landfills; and the exemption does not include wipes that have cleaned up spills of more than 12 fl. ounces
Hazardous Waste Tank Rules

- Existing rules require hazardous waste tanks to be inspected at least once each operating day, including weekends and holidays.
- New rule allows for weekly inspections if the operator of the tank either uses leak detection equipment or has established workplace practices to ensure leaks are promptly identified. See 40 CFR 265.195(c) for more information.

Site Remediation Rules
(Env-Or 600, 700, and 800)

- Rules set to expire February 2015
- Initial Proposals filed in November 2014
- Public Hearing on January 9, 2015
- Comment period through January 30th
- Changes include:
  - Groundwater standards
  - Soil remediation standards
  - Groundwater permit renewal applications
Proposed Changes to Env-Or 600 Groundwater Standards

- Add two compounds to AGQS table: bromobenzene and 1-methylnaphthalene
- Reduce the AGQS for three compounds: camphor, alpha hexachlorocyclohexane, and 1,2,3-trichloropropane
- Increase the AGQS for one compound: tetrahydrofuran

Proposed Changes to Env-Or 600 Soil Remediation Standards

- Increasing the allowable concentration for: benzidine, beryllium, 1,1-dichloroethylene, hexachlorobutadiene, mercury (inorganic)
- Reduce the allowable concentration for: 1,1-biphenyl, 4 (p) chlorotoluene, cyanide, ethylbenzene, manganese, and 1,2,3-trichloropropane
- Delete: (benzo(g,h,i)perylene, camphor, clopyralid, 2,3,7,8-hexachlorodibenzo dioxin, p-isopropyl toluene, phenanthrene, tetrahydrofuran, and 1,3,5-trichlorobenzene)
Prop. Changes to Env-Or 600 and 700
Groundwater Permit Renewals

- Existing rules require a permit to be filed >90 days prior to expiration date in order for the permittee to continue to operate if a decision on the renewal application is not made prior to the expiration date.
- Proposed rules would authorize continued operation as long as renewal application is filed before the permit expires.
- Establishes the 90-day period prior to expiration as the time period for filing renewal applications (i.e., can’t file earlier)

Proposed Changes common to Env-Or 600, 700, and 800

- Move statutory definitions to an appendix so rulemaking will not be necessary if the definition changes
- Clarify existing provisions and update cross-references to other Department rules
- Update standards incorporated by reference
- The rules can be viewed in PDF at http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm
Crude Oil Transportation
Increased Awareness in New England

- Significant production increases in Bakken formation and western Canadian fields
- Rail transportation in Eastern U.S. increasing
- Pipeline breach in Kalamazoo River
- Rail accidents (Lac Megantic, Quebec, and others)
- Reports of possible use of Portland Montreal Pipeline for transport of western Canadian crudes

Crude Oil Transportation
NH Legislative Responses

- HB 1224: Directs NHPUC to seek federal grant to perform safety inspections of PMPL
- SB 325: Requires pipeline spill response plans to be submitted to state
- HB 1376: Establishes committee to study safety of oil and gas transportation by pipeline and rail
Pipeline Facility Response Plan
Rules Workgroup

- Ad-hoc Pipeline Facility Spill Response Plan Rules Workgroup formed to provide input into rulemaking process
- Members include local communities, PMPL, local elected officials, state/federal agencies, NGOs
- First meeting is December 10th

2015 Compliance Deadline for Underground Storage Tank Systems

- After December 22, 2015, all UST systems must have the following:
  - Double-walled tanks
  - Double-walled piping
  - Leak monitoring
  - Low-point and dispenser sumps
- Any tank or system component that doesn’t meet these specifications or is not upgraded by deadline must be closed
2015 UST Upgrade Deadline

- 40% of facilities affected – most of which need upgraded piping and dispenser sumps
- Universe: 1200 gas stations; 600 heating oil systems
- Deadline established in 1997; DES doing directed outreach and assistance since 2010

Mildly Contaminated Soils Workgroup

- Working on new framework for regulation of contaminated soils
- Purpose is to provide clarity to this complex area of regulation
- Talking with stakeholder groups
  - DOT
  - Municipalities (NHPWA)
  - Utilities (public and private)
  - Consultants
Mildly Contaminated Soils
Workgroup Categories of Soils

- Urban soils (both road and building construction)
- Street wastes (sweepings, ditch cleanings, catch basins…etc.)
- Dredge spoils
- Remediation sites
- Utility work

Current Regulatory Situation

All soils with contaminant concentrations above naturally occurring background concentrations which do not constitute a hazardous waste must be managed in accordance with the solid waste rules.

Does not include virgin soils/rock from gravel pits and quarries
Relevant Administrative Rules

- Env-Sw 900 Management of Certain Wastes (Part of the Solid Waste Rules)
- Env-Or 600 Contaminated Site Management
- Env-Hw 400 Identification and Listing of Hazardous Wastes
- Env-Hw 500 Requirements for Hazardous Waste Generators

Current Soil Management Options

- Manage on-site in a manner consistent with Env-Or 600
- Transport off-site for disposal/treatment at a properly permitted disposal/treatment facility
- Submit a request for Certification of a Waste Derived Product for use of the material at a specific location for a specific purpose – difficult path (Env-Sw 1500)
  - Certification criteria must be met
  - Certification carries obligations and liabilities for providers, transporters and users
- Submit a solid waste facility application to operate a landfill – difficult path
- Submit a request for a waiver from specific requirements of the solid waste rules – resource challenges
Concerns Relative to Management of Mildly Contaminated Soils

- Proliferation of low-grade environmental degradation
- Creation of landfills in a manner that circumvents resident and stakeholder input
- Environmental justice
- Quality control
- Accountability and documentation
- Loss of awareness/corporate memory
- Creation of a system that discourages on-site management of undesirable soils and promotes uncontrolled distribution of low-grade contaminated soils
- Staffing resources for site specific proposals and waiver requests

Recent Developments

- Re-activation of NHDES Mildly Contaminated Soil Work Group – August 2012*
- Preliminary meeting in 2013 with stakeholder group including NH Public Works Association, EBC, and ACEC
- Development of draft agreement with NHDOT for management of street wastes, roadside ditching materials and catch basin cleanouts
Items Under Consideration

- Establishment of General Permits under the Solid Waste Rules
  - Sector Specific (i.e. NHDOT, Municipal Road Work, Utility Work, Dam Removals, etc.)
  - Registration/notification requirement
  - Adoption of a soil management plan (PE/PG Stamp)
    - Pre-screening protocol
    - Analytical program
    - Storage and re-use limitations
    - Record keeping (re-use location, screening/analytical results)
    - Continuous self-monitoring and improvement
    - Personnel training
    - Updating of soil management plan and BMPs every five years
  - Self-implementing (i.e. minimized NHDES oversight)

MTBE Remediation Fund Update

- Settlement funds under control of Attorney General – DES a key implementer
- $22.3 million budget authorized for the biennium by Fiscal Committee and G&C
- MtBE Remediation Bureau created
- Categories of eligible assistance activities approved
- Six year duration estimated
MTBE Remediation Fund
Types of Eligible Activities

- Public Water Supply Infrastructure
- Investigation and remediation of MtBE sites
- Testing Private Wells
- MtBE contamination prevention measures

MTBE Remediation Bureau
Status after 6 months

- Bureau staffing (85% complete)
- Public input sessions completed and implementation plan approved by DOJ
- Project pipeline initiated (approximately $673k in work scopes approved/under review)
- State contract modifications and procurements underway
- Reimbursement and payment process developed
- First online claim submission
Project Pipeline

- Site Investigation or Remediation
  - Richmond Four Corners soil excavation completed
    - First reimbursement claim received and being processed
  - Red Hill Irving bedrock investigation underway
  - Gulbicki’s UST and soil removal approved
  - Several other UST removals being scheduled

Private Water Well Testing Program

- DES sampling crews
- Focus on vulnerable aquifers with existing releases
- Heavy use of GIS to ID receptors and potential threats
- Private Well Sampling Districts
  - Derry (possible water line extension tie-in)
  - Pelham (recent water supply detect)
  - Windham (water line extension tie-in)
  - Londonderry
State Contracts

- Response Contract Amended
  - Cyn, TMC, Enpro and Clean Harbors $250k each
- Consulting Contract Procurement
  - Participating in the Remediation Program procurement
  - Selection process underway
  - Contract to start with new FY
- POE contract
  - Existing Secondwind contract to be extended with MtBE funding included
- Laboratory Services
  - RFP sent out
Reimbursement and Payment Process

- Claims upload process available
- Claims processing and payment system modified and operational
- First claim being processed

Questions?

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