1. Agency Name & Address:

Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

2. RSA Authority: RSA 125-C:4, I(m); RSA 541-A:16, I(b)

3. Federal Authority: N/A

4. Type of Action:

Adoption
Repeal
Readoption
Readoption w/amendment X

5. Short Title: Procedural Rules

6. (a) Summary of what the rule says and of any proposed amendments:

The existing rules, Env-A 200, provide uniform procedures for air-related variance and waiver requests and public notices of hearings and public comment periods relative to the State Implementation Plan (SIP) and other matters. The rules supplement RSA 541-A and Env-C 200 procedures.

Revisions are proposed to increase clarity, provide more detail on certain procedures, and maintain consistency with language in other DES rules. The rules are proposed to be readopted because they are scheduled to expire on September 25, 2022. The existing rules are subject to extension for the duration of this readoption proceeding pursuant to RSA 541-A:14-a, I.

6. (b) Brief description of the groups affected:

The proposed rules affect anyone who participates in hearings and rulemaking activities of the DES Air Resources Division and regulated entities who request waivers or variances from the Env-A rules.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<table>
<thead>
<tr>
<th>Rule Section(s)</th>
<th>State Statute Implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Env-A 201.01</td>
<td>RSA 541-A:16, I(b); RSA 125-C:6, X</td>
</tr>
<tr>
<td>Env-A 202.01</td>
<td>RSA 125-C:16, I</td>
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<tr>
<td>Env-A 202.02</td>
<td>RSA 125-C:16, III</td>
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<td>Env-A 202.03</td>
<td>RSA 125-C:16, I; RSA 541-A:16, I</td>
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<tr>
<td>Env-A 202.04 - Env-A 202.06</td>
<td>RSA 125-C:16, I &amp; II; RSA 541-A:16, I</td>
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<tr>
<td>Env-A 202.07</td>
<td>RSA 125-C:16, III</td>
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<td>Env-A 202.08</td>
<td>RSA 125-C:14</td>
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<tr>
<td>Env-A 203.01 - Env-A 203.03</td>
<td>RSA 125-C:6, X; RSA 541-A:16, I</td>
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<tr>
<td>Env-A 204.01, Env-A 204.02</td>
<td>RSA 125-C:6, X; RSA 541-A:16, I</td>
</tr>
<tr>
<td>Env-A 205.01 - Env-A 205.08</td>
<td>RSA 125-C:6, X; RSA 541-A:22, IV</td>
</tr>
</tbody>
</table>
7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Karla McManus
Title: DES-ARD Planning and Rules Manager
Address: Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
Phone #: (603) 271-6854
Fax#: (603) 271-1381
E-mail: Karla.S.McManus@des.nh.gov

The rules also can be viewed in PDF in the Public Comment Opportunities section of the NHDES website at https://www.des.nh.gov/public-comment-opportunities and selecting “Rulemaking”

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: 4:00 p.m. on Friday, September 9, 2022

☐ Fax  ☑ E-mail  ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: Tuesday, August 30, 2022 at 10:00 AM
Place: Room 208C, DES Offices, 29 Hazen Drive, Concord, NH

NOTE: NHDES security procedures require all visitors to sign in and present photo identification (such as a driver’s license). If you plan to attend the public hearing in person, please bring photo identification with you.

You also may attend the hearing via WebEx, which can be accessed through the following link:

Join from the meeting link https://nhgov.webex.com/nhgov/j.php?MTID=m938588ddcd0d93b0739191ef0b8af940
Meeting number (access code): 2316 692 1819
Meeting password: CKynpDZT376
You also may join the meeting by phone: +1-415-655-0001 US Toll
Access Code: 2316 692 1819
Contact Lisa Camire at Lisa.J.Camire@des.nh.gov or (603) 271-4848 if you have any questions or technical issues connecting to the hearing.

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 22:134, dated 07/07/2022

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):
   There is no difference in cost when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:
   No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

   A. To State general or State special funds:
      None.
B. To State citizens and political subdivisions:
   None.
C. To independently owned businesses:
   None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

   The rules do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures and so do not violate Part I, Article 28-a of the N.H. Constitution.