

Notice Number 2024-52

Rule Number Env-Sw 100

1. Agency Name & Address: Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: <u>RSA 149-M:7, XVI</u>
	3. Federal Authority: <u>N/A</u>
	4. Type of Action:
	Adoption <u>X</u>
	Repeal <u>X</u>
Readoption <u>X</u>	
Readoption w/amendment <u>X</u>	

5. Short Title: **Solid Waste Program Purpose, Applicability, and Definitions**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

The Department of Environmental Services (Department) proposes to adopt, readopt, readopt with amendment, or repeal all the rules in Env-Sw 100, Solid Waste Program: Purpose, Applicability, and Definitions. The purpose of the chapter is to specify the definitions that apply throughout the subtitle Env-Sw. This rulemaking is a companion rulemaking to substantive changes proposed in separate rulemakings.

The proposed amendments to the rule incorporate new definitions and update existing definitions from RSA 149-M, including implementation for the first time of new and amended definitions in RSA 149-M:4 as amended by 2022, 224:2-9 and 2023, 79:354 and 355.

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

The rules apply to permittees and facility owners of solid waste facilities, and to anyone else to whom the rules set out in subtitle Env-Sw apply.

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

Rule	State Statute(s) Implemented
Env-Sw 101	RSA 149-M:7, XVI
Env-Sw 102	RSA 149-M:7, XVI
Env-Sw 103	RSA 149-M:7, XVI
Env-Sw 104	RSA 149-M:7, XVI

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Emily Jones** Title: **Compliance Assurance Section Supervisor**
Mailing Address: **Department of Environmental Services** Phone #: **1-603-271-6467**
P.O. Box 95 Fax#: **1-603-271-2456**
Concord, NH 03302-0095 E-mail: Emily.M.Jones@des.nh.gov

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 pm on Friday, May 3, 2024**

Fax

E-mail

Other format (specify):USPS

Please submit comments to
swmbrules@des.nh.gov

9. Public hearing scheduled for:

Date and Time: **Thursday, April 25, 2024, at 10:30 am**

Physical Location: **Auditorium, DMV building, 23 Hazen Drive, Concord, NH**

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

[Click here to join the meeting](#)

Meeting number (access code): After registering using this link, interested participants will be provided a confirmation email with information about joining the hearing remotely.

Electronic Access (if applicable):

You also may join the meeting by phone:

Call in Number: [+1 603-931-4944,,327357020#](tel:+16039314944327357020)

Passcode: x46AZC

Meeting ID: 286 303 618 877

If any questions or technical issues, please contact Jeanne Roningen at 1-603-271-8740 or via email at Jeanne.M.Roningen@des.nh.gov.

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

FIS # 24:040 , dated 3/11/2024

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in costs 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:

Any costs associated with the proposed rules are primarily attributable to the statutes. The proposed rules do not mandate or assign to any local subdivision a program or responsibility that is new, expanded or modified from what existed before state action which would necessitate additional expenditures by a local subdivision. The proposed rules do not impose a substantial change to an underlying function, duty, or activity performed or to be performed by a local government, and so do not violate Part I, Article 28-a of the New Hampshire Constitution.