

RULEMAKING NOTICE

Notice Number _____	Rule Number _____	Env-A 100
<p>1. Agency Name & Address:</p> <p>Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095</p>	<p>2. RSA Authority:</p> <p>3. Federal Authority:</p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption</p> <p style="padding-left: 20px;">Amendment</p> <p style="padding-left: 20px;">Repeal</p> <p style="padding-left: 20px;">Readoption</p> <p style="padding-left: 20px;">Readoption w/amendment</p>	<p>RSA 125-C:4, I</p> <p>42 U.S.C. 7401, <u>et seq.</u></p> <p><u> X </u></p> <p><u> X </u></p> <p><u> X </u></p> <p><u> X </u></p> <p><u> X </u></p>

5. Short Title: **Purpose and Definitions for Subtitle Env-A relative to Air-Related Programs**

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

The existing rules contain definitions for terms used throughout subtitle Env-A. Pursuant to RSA 541-A, definitions have not expired since 1995; since then new definitions have been added all in Part Env-A 101, resulting in more than half of the 200+ definitions having 3-digit section numbers and in existing definitions being repeatedly renumbered. Section numbers having 3 digits are both contrary to the Drafting and Procedure Manual for Administrative Rules and potentially confusing to users of the rules. The rules are proposed to be readopted with amendments in order to split the 200+ definitions into several parts so that no section has a 3-digit section number and to accommodate future additions without extensive renumbering. As part of this effort, a section will be added to explain the purpose of subtitle Env-A and of chapter Env-A 100, certain definitions will be clarified, and existing Env-A 103.01 - Env-A 103.05 (relative to claims of confidentiality) will be repealed as they are no longer needed because the subject is covered by Env-C 208.

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

The rules affect any individual or entity that engages in any activities that are subject to regulation under RSA 125-C, RSA 125-D, RSA 125-I, RSA 125-J, RSA 125-L, RSA 125-M, RSA 125-N, RSA 125-O, RSA 125-R, or RSA 141-E.

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

Rule Section(s)	State Statute(s) Implemented	Federal Statutes, Regulations Implemented
Env-A 100 (see below for specific sections)	RSA 125-C, RSA 125-D, RSA 125-I, RSA 125-J, RSA 125-L, RSA 125-M, RSA 125-N, RSA 125-O, RSA 125-R; RSA 141-E	
Env-A 102.34	RSA 125-C:4, I(a)	40 CFR § 52.21
Env-A 102.53	RSA 125-C:4, I(k); RSA 125-C:6, XI	42 U.S.C. § 7651a(7)
Env-A 103.01	RSA 125-I:5, V	
Env-A 103.04	RSA 125-D:3	42 U.S.C. § 7651a(26); 40 CFR 72.2
Env-A 103.11	RSA 125-C:4, I(a); RSA 125-C:6, XIV; RSA 125-C:11, I & III	42 U.S.C. §§ 7410, 7502(c), 7511c
Env-A 103.14	RSA 125-C:4, I(a)	42 U.S.C. § 7661a(b)(10)
Env-A 103.21	RSA 125-C:4, I(a); RSA 125-I:6, II; RSA 141-E:4, II	

RULEMAKING NOTICE - Page 2

Rule Section(s)	State Statute(s) Implemented	Federal Statutes, Regulations Implemented
Env-A 103.32	RSA 125-C:4, I(a)	
Env-A 103.40	RSA 125-C:4, I(a); 125-L:1, IV	40 CFR § 52.21
Env-A 103.48	RSA 125-C:6, II	
Env-A 104.02	RSA 125-C:4, I(a)	42 U.S.C. § 7661(2); 40 CFR 70.2
Env-A 104.06	RSA 125-C:10, I	
Env-A 104.07	RSA 125-C:10, II	42 U.S.C. § 7661a(b)(6); 40 CFR 70.7(e)(2)
Env-A 104.22	RSA 125-C:4, I(a)	
Env-A 104.53	RSA 125-C:4, I(g)	42 U.S.C. § 7661b; 40 CFR 70.2
Env-A 105.17	RSA 125-C:11, I & III	
Env-A 105.31 - 105.38	RSA 125-C:4, I(a)	
Env-A 105.42	RSA 125-C:4, I(a)	
Env-A 105.45	RSA 125-C:4, I(a); RSA 125-C:6, II	40 CFR 51.110(s)
Env-A 105.47	RSA 125-C:4, I(a)	
Env-A 105.50	RSA 125-C:4, I(a)	

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

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

The rules also can be viewed in PDF at <http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm> 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 p.m. on Friday, July 31, 2020**

YOU MAY SUBMIT WRITTEN COMMENTS WITHOUT ATTENDING THE PUBLIC HEARING

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, July 22, 2020 at 10:00 AM**

Place: **This will be a virtual hearing via WebEx. Contact Karla McManus at Karla.McManus@des.nh.gov to obtain the link, meeting number, and password.**

You also may call in to the meeting:

Call in Number: +1-415-655-0001

Access Code: 126 907 4596

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS #20:027 , dated 03/18/2020:

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:

There are no costs associated with these rules. The rules thus 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 by the political subdivision, and so do not violate Part I, Article 28-a of the New Hampshire Constitution.