

RULEMAKING NOTICE

Notice Number _____	Rule Number _____	Env-A 3300
<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 <u> X </u></p>	<p>RSA 125-C:4, I(a), (d), and (k) 42 U.S.C. 7411(d) and 7429(b); 40 CFR §241.4(a)(5)</p>
<p>5. Short Title: Municipal Waste Combustion, Including Requirements for Combusting Processed Wood Residue</p>		

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

Env-A 3300, *Municipal Waste Combustion*, establishes the operating and performance standards for existing municipal waste combustion (MWC) units with the capacity to combust greater than 35 tons per day of municipal solid waste to comply with federal regulations promulgated pursuant to section 111(d) and section 129 of the Clean Air Act and state regulations promulgated under RSA 125-C:10-a, RSA 125-C:10-c and RSA 125-M:3.

In 2016, RSA 125-C:10-c was amended to allow municipal waste combustors with a design capacity of 250 tons per day or more to combust up to 10,000 tons of processed wood residue (PWR) derived from construction and demolition debris (C&D) between November 15th and April 15th. The statute also provides that “no combustion shall occur until the department adopts rules regarding fuel quality standards and test methods in accordance with RSA 125-C:6, XIV-a and the department has taken final action on a permit revision for the facility utilizing such fuel.” The proposed rules would amend Env-A 3300 by adding provisions necessary to implement the statute.

In conjunction with this rulemaking, Env-Sw 705.06, relative to prohibitions on incineration of certain wastes, is proposed to be amended in a separate rulemaking proceeding to allow combustion of PWR derived from C&D.

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

The rules apply to owners and operators of municipal solid waste combustors who choose to combust PWR in accordance with RSA 125-C:10-c.

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

Rule	State Statutes Implemented	Federal Statutes/Regulations Implemented
Env-A 3300	RSA 125-C:4	
Env-A 3301	RSA 125-C:4, I(a)	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §241
Env-A 3302	RSA 125-C:4, I(a)	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §§60.51b, 60.1940 and 241.2
Env-A 3303.01(a)	RSA 125-C:4, I(a)	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §60.34b
Env-A 3303.01(b)	RSA 125-C:4, I(a)	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §60.33b
Env-A 3303.01(c)	RSA 125-C:4, I(a); RSA 125-M:3	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §60.33b

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Rule	State Statutes Implemented	Federal Statutes/Regulations Implemented
Env-A 3303.01(d)	RSA 125-C:4, I(a)	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §60.55b
Env-A 3303.02(a)	RSA 125-C:4, I(a)	42 U.S.C. §§7411(d) and 7429(b); 40 CFR 60, Table 5 of subpart BBBB
Env-A 3303.02(b)	RSA 125-C:4, I(a); RSA 125-M:3	42 U.S.C. §§7411(d) and 7429(b); 40 CFR 60, Table 4 of subpart BBBB
Env-A 3304.01	RSA 125-C:4, I(a)	42 U.S.C. §§7411(d) and 7429(b); 40 CFR § 60.53b(b) and (c)
Env-A 3304.02	RSA 125-C:4, I(a)	42 U.S.C. §§7411(d) and 7429(b); 40 CFR § 60.1690 & 1695
Env-A 3304.03	RSA 125-C:4, I(a)	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §60.1680
Env-A 3305.01	RSA 125-C:4, I(a)	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §§60.1645, 60.1650, 60.35b, and 60.54b
Env-A 3305.02	RSA 125-C:4, I(a)	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §§60.1655, 60.1660, 60.1665, 60.1670, 60.35b, and 60.54b(e), (f) & (g)
Env-A 3306.01	RSA 125-C:6,XI	42 U.S.C. §§ 7411(d) and 7429(b); 40 CFR §§60.24(b)(2), 60.38b and 60.58b
Env-A 3306.02(a)	RSA 125-C:6, XI	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §§60.24(b)(2), 60.38b and 60.58b
Env-A 3306.02(b)	RSA 125-C:6, XI	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §§60.1775 and 60.1780
Env-A 3306.02(c)	RSA 125-C:6, XI	42 U.S.C. §§ 7411(d) and 7429(b); 40 CFR §§ 60.1785, 60.1790, 60.1795, and 60.1800
Env-A 3306.02(d)	RSA 125-C:6, XI	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §60.1725
Env-A 3306.02(e)	RSA 125-C:6, XI	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §60.1710
Env-A 3306.03	RSA 125-C:6, XI	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §§60.1805, 60.1810, 60.1815, 60.1820, & 60.1825
Env-A 3307.01	RSA 125-C:6, XI	42 U.S.C. §§7411(d) and 7429(b); 40 CFR §§60.39b & 60.59b
Env-A 3307.02(a)	RSA 125-C:6, XI	42 U.S.C. §§7411(d) & 7429(b); 40 CFR §§60.1830, 60.1835, 60.1840, 60.1845, 60.1850, & 60.1855
Env-A 3307.02(b)	RSA 125-C:6, XI	42 U.S.C. §§7411(d) &7429(b); 40 CFR §§60.1860, 60.1865, 60.1870, 60.1875, 60.1880, 60.1885, 60.1890, 60.1895, 60.1900, and 60.1905
Env-A 3308	RSA 125-C:4, I(a); RSA 125-C:6, XI; RSA 125-C:6, XIV-a; RSA 125-C:10-c	42 U.S.C. §§7411(d) & 7429(b); 40 CFR §241.4(a)(5)

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

Name:	Karla McManus	Title:	Planning and Rules Manager, Air Division
Address:	Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-6854
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		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)

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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, June 29, 2018**

YOU MAY SUBMIT WRITTEN COMMENTS WITHOUT ATTENDING THE PUBLIC HEARING

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, June 15, 2018 at 10:30 AM**

Place: **Rooms 112-114, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS #18:091, dated 04/30/18:

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. Not applicable to Env-A 3308 which is a new rule.

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):

The proposed rules establish requirements for fuel quality, inspection of processed wood residue (PWR) supplier operations, PWR sampling and analysis and recordkeeping. Municipal Waste Combustion Units (MWCs) that choose to combust PWR may only obtain it from suppliers meeting the requirements established in the rule. The cost to PWR suppliers to meet the requirements may be passed along to the MWCs resulting in additional costs to both. However, combustion of PWR under the proposed rules is voluntary for MWCs and likely to be done only when a MWC can realize savings.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

See #3 above.

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

The rules do not create, modify, or expand any program in such a way as to require action by any political subdivisions and so do not require any expenditures by political subdivisions. The rules thus do not violate Part I, Article 28-a of the NH Constitution.