

Effective October 21, 2017, Env-Sw 303.13 reads as follows:

Env-Sw 303.13 Compliance Status and History.

- (a) All applicants, except emergency permit applicants, shall submit compliance information with the application, as specified by (b) and (c), below.
- (b) Applicants for a permit-by-notification shall submit compliance certification in accordance with Env-Sw 303.14.
- (c) Applicants for a standard permit, research and development facility permit, waiver, or permit modification shall submit either:
 - (1) Compliance certification pursuant to Env-Sw 303.14; or
 - (2) If unable to certify compliance pursuant to Env-Sw 303.14, a compliance report pursuant to Env-Sw 303.15.

Effective October 21, 2017, Env-Sw 305.03(b)(7) reads as follows:

Env-Sw 305.03 Denial of a Requested Approval.

- (b) (7) The application is for a permit-by-notification and the applicant is unable to provide compliance certification pursuant to Env-Sw 303.14; or

Effective October 21, 2017, Env-Sw 315.01 reads as follows:

Env-Sw 315.01 Applicability.

- (a) Except as specified in (b), below, this part shall apply to modifying facility permits issued pursuant to RSA 149-M and the solid waste rules, including action to transfer a permit and renew an expiring permit.
- (b) This part shall not apply to:
 - (1) Transferring a permit-by-notification, as specified by Env-Sw 311.02(c);
 - (2) Permit modifications initiated by the department pursuant to Env-Sw 306; or
 - (3) General permits established in Env-Sw 308.

Effective October 21, 2017, Env-Sw 315.02(c) reads as follows:

(c) “Type I-B modification” means a type I modification that is not a type I-A modification because, based on information available at the time the modification is proposed, there is no expectation that the proposed change will adversely affect the state’s ability to achieve the waste reduction goal in RSA 149-M:2 by establishing and maintaining an integrated system of facilities which is consistent with the hierarchy in RSA 149-M:3 and which provides a substantial public benefit pursuant to RSA 149-M:11.

Effective October 21, 2017, Env-Sw 315.02(e) intro, (e)(2) intro, and (e)(6) read as follows:

- (e) “Type III modification” means an amendment to the terms and conditions of a permit to effect one of the following minor changes:
 - (2) A change in a key above-ground site feature, including a facility structure or appurtenance, that:
 - ...
 - (6) A change in organizational structure, officers, directors, partners, or key employees identified pursuant to Env-Sw 303.14(a) that does not constitute a type IV modification.

Effective October 21, 2017, Env-Sw 315.04(c) reads as follows:

(c) Applications for a type III modification shall include the following signature requirements in addition to the requirements specified in Env-Sw 303:

- (1) A signed statement by the permittee certifying that:
 - a. The proposed change is within the defined limits of a type III modification pursuant to Env-Sw 315.02; and
 - b. The proposed change shall not cause the facility to contravene any applicable requirement in Env-Sw 1000 or violate any other condition of the permit;
- (2) If the permittee is not the property owner, a signed statement by the property owner to certify acceptance of the modification; and
- (3) For a type III modification to effect a name change pursuant to Env-Sw 315.02(e), certification that the permittee shall publish notice and submit proof thereof as required by Env-Sw 305.06(e).

Effective October 21, 2017, Env-Sw 315.05(c)(2) reads as follows:

- (c) (2) Identification of each written permit condition that requires amendment to effect the proposed modification and draft language for the same;

Effective October 21, 2017, Env-Sw 315.05(g) and (h) read as shown below, and existing paragraphs (g) through (j) are renumbered as paragraphs (i) through (l):

- (g) The compliance information required by Env-Sw 303.13;
- (h) For a type I-A modification, the personal and business disclosure information and performance history information required by Env-Sw 316;

Effective October 21, 2017, Env-Sw 315.07(c)(2)f. reads as follows:

- (c) (2) f. If for a change in the permittee's organizational structure, officers, directors, partners, or key employees identified pursuant to Env-Sw 303.14(a):
1. A precise explanation of what is changing;
 2. The compliance information required by Env-Sw 303.13; and
 3. Proof of operator certification or processed applicant status if the proposed change involves a change in an individual required to hold operator certification pursuant to Env-Sw 1600 and Env-Sw 1005.07; and

Effective October 21, 2017, Env-Sw 315.08 reads as follows:

Env-Sw 315.08 Application Content and Format, Type IV Modifications. For a type IV permit modification, the existing permittee and the proposed permittee, acting as co-applicants, shall provide:

- (a) Facility identification;
- (b) Identification of parties, both existing and proposed;
- (c) Identification of the type of change that triggers the need for modification, as specified in Env-Sw 315.02(f);
- (d) The compliance information required by Env-Sw 303.13 for the proposed new permittee as the applicant;
- (e) The personal and business disclosure information and performance history information required by Env-Sw 316 for the proposed new permittee as the applicant;

- (f) Proof of operator certification or processed applicant status if the proposed change involves a change in an individual required to hold operator certification pursuant to Env-Sw 1600 and Env-Sw 1005.07;
- (g) A financial assurance plan by the proposed new permittee for the cost of closing the facility pursuant Env-Sw 1400;
- (h) A proposed schedule for implementing the modification;
- (i) Identification and status of all other permits or approvals necessary to effect the proposed modification, if any;
- (j) Proof that the host municipality and host solid waste management district have been provided a copy of the application and a notice of filing as specified by Env-Sw 303; and
- (k) Proof that notification of abutters has been made in accordance with Env-Sw 303.

Effective October 21, 2017, Env-Sw 315.10(b)(1) intro is cited reads as follows:

Env-Sw 315.10 Application Review and Decision.

- (b) (1) The applicant is unable to certify compliance pursuant to Env-Sw 303.14, unless the applicant:

Effective October 21, 2017, Env-Sw 316.02 reads as follows:

Env-Sw 316.02 Applicability.

- (a) Except as noted in (b), below, the rules in this part shall apply to applicants for the following types of permits and approvals:
 - (1) Standard facility permit pursuant to Env-Sw 314;
 - (2) Research and development facility permit pursuant to Env-Sw 312, whenever the applicant is unable to certify compliance pursuant to Env-Sw 303.14;
 - (3) Type IV permit modification to transfer ownership or operational control of the facility; and
 - (4) Type I-A permit modification.
- (b) The rules in this part shall not apply to an applicant that is a town, governmental unit, agency or political subdivision of the state, or combination thereof.

APPENDIX A: STATE STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented	Federal Regulations Implemented
Env-Sw 303.13	RSA 149-M:6, III; RSA 149-M:9	
Env-Sw 305.03(b)(7)	RSA 149-M:6, III; RSA 149-M:9	
Env-Sw 315.01; 315.02(c); 315.02(e) intro, (2) intro, & (6); 315.04(c); 315.05(c)(2), (g), & (h); 315.07(c)(2)f.; 315.08; 315.10(b)(1) intro	RSA 149-M:6, III; RSA 149-M:9	
Env-Sw 316.02	RSA 149-M:6, III; RSA 149-M:9, III & IX	