

RULEMAKING NOTICE

Notice Number _____	Rule Number _____	Env-Sw 705.06 intro & (f)
1. Agency Name & Address: Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: 3. Federal Authority: 4. Type of Action:	RSA 149-M:7, II & III n/a _____ Adoption _____ Amendment X _____ Repeal _____ Readoption _____ Readoption w/amendment _____

5. Short Title: **Combustion of Construction and Demolition Debris Amendments**

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

Env-Sw 700 establishes standards relative to siting, designing, operating, and closing incineration facilities. Env-Sw 705.06 lists the statutory prohibitions on incinerating certain types of waste. Env-Sw 705.06(f) implements the statutory prohibition in RSA 125-C:10-c on incinerating the wood components of construction and demolition debris (C&D). RSA 125-C:10-c was amended effective August 23, 2016 to allow the combustion of processed wood residue (PWR) derived from C&D under certain circumstances. In order to implement the statutory change, the rules are proposed to be amended to allow combustion of PWR derived from C&D to the extent permitted in the statute.

In conjunction with this rulemaking, Env-A 3300, relative to municipal waste combustion, is being readopted with amendments in a separate rulemaking proceeding to establish requirements for combustion of C&D-derived PWR by municipal waste combustion facilities.

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 Statute Implemented
Env-Sw 705.06 intro, (f)	RSA 149-M:6, III

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

Name:	Paul Gildersleeve	Title:	Civil Engineer IV
Address:	Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-2935
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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, June 29, 2018**

YOU MAY SUBMIT WRITTEN COMMENTS WITHOUT ATTENDING THE PUBLIC HEARING

Fax

E-mail

Other format (specify):

RULEMAKING NOTICE - Page 2

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 #18:092, dated 04/27/18:

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.

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 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.