

Notice Number 2024-18

Rule Number Env-Or 300

1. Agency Name & Address:

**Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095**

2. RSA Authority: RSA 146-A:11-c

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Repeal _____

Readoption X

Readoption w/amendment _____

5. Short Title: **Aboveground Petroleum Storage Facilities**

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 is proposing to readopt the existing rules, Env-Or 300, implementing portions of RSA 146-A, *Oil Discharge or Spillage in Surface Water or Groundwater*. The rules specify requirements for the registration, design, installation, operation, maintenance, and monitoring of aboveground petroleum storage facilities. The existing rules are scheduled to expire on February 7, 2024, and are proposed to be readopted without amendment to continue the requirements in place. Pursuant to RSA 541-A:14-a, I, the existing rules will continue in effect for the duration of the readoption proceeding.

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

The rules directly affect owners and operators of aboveground storage tank facilities regulated under RSA 146-A, and indirectly affect anyone who relies on groundwater for drinking water.

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

Rule Section(s)	State Statute(s)	Federal Regulation(s)
Env-Or 300 (also see specific sections listed below)	RSA 146-A:1-3, 4, & 5; RSA 541-A:16, I(b)	40 CFR Part 112
Env-Or 306.04		US DOT HM 181, part HM-126F
Env-Or 306.11	RSA 485-C:4, VIII	40 CFR Part 112
Env-Or 308.01, Env-Or 308.02	RSA 485-C:4, VIII	40 CFR Part 112
Env-Or 310.04	RSA 541-A:22, IV	

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

Name: **Nicholas B. Goulas, Jr.**

Title: **Chief, Oil Compliance Section**

Mailing: **NHDES/WMD**

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Concord, NH 03302-0095

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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: **Thursday, March 14, 2024 by 4:00 PM**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, March 7, 2024 at 1:30 PM**

Physical

Department of Safety, 33 Hazen Drive, 2nd Floor Conference Room

Location:

Electronic

Access (if

N/A

applicable):

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

FIS # 24:002, dated 01/09/2024

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:

There are no new costs associated with the rules. The rules thus do not create, modify, or expand any program in such a way as to require political subdivisions to make any new expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.