

Notice Number 2023-8

Rule Number Env-Sw 1300

1. Agency Name & Address:

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

2. RSA Authority: RSA 149-M:7, XII

3. Federal Authority: N/A

4. Type of Action:

Adoption _____

Repeal _____

Readoption _____

Readoption w/amendment X

5. Short Title: **Public Grants for Landfill and Incinerator Closure**

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

The purpose of the chapter is to implement RSA 149-M:41-50, which authorizes state grants to municipalities to assist with the costs of closing unlined solid waste landfills and certain incinerators. The rules specify the criteria and procedures by which NHDES determines whether costs incurred by a municipality are costs eligible for 20% reimbursement through issuance of a grant. All financial assistance to municipalities relating to this program is subject to the appropriation of funds by the Legislature.

The Department is proposing to readopt with amendment Env-Sw 1300, *Public Grants for Landfill and Incinerator Closure*. The proposed amendments clarify the existing rules. The existing rules will expire on July 1, 2024.

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

The proposed rules affect municipalities who apply for grants to close unlined landfills or incinerators.

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

| Rule | State Statute(s) Implemented |
|-------------|--|
| Env-Sw 1300 | RSA 149-M:6, IX; RSA 149-M:7, XII; RSA 149-M:41-50 |

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

Name: **Debra Sonderegger**
Address: **Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095**

Title: **Enforcement Program Coordinator**
Phone #: **(603) 271-0674**
Fax#: **(603) 271-2456**
E-mail: debra.a.sonderegger@des.nh.gov

The rules also can be viewed in PDF in the Public Comment Opportunities section of the NHDES website at <https://www.des.nh.gov/public-comment-opportunities> and selecting "Rulemaking".

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 PM. on Friday, February 10, 2023**

Please submit comments to swmbrules@des.nh.gov

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, February 2, 2023, at 10:00 AM**

Place: **Room 208C, DES Offices, 29 Hazen Drive, Concord, NH**

NOTE: NHDES security procedures require all visitors to sign in and present photo identification (such as a driver's license). If you plan to attend the public hearing in person, please bring photo identification with you.

You also may attend the hearing via Microsoft Teams, which can be accessed through the following link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YTgyYjNiNWQtYWwNjMy00MzBmLTlmYTgtYTRiZDk1ZThmNGMz%40thread.v2/0?context=%7b%22Tid%22%3a%22992deae9-1c4c-42c8-a310-5088af55ba74%22%2c%22Oid%22%3a%220ad3814a-6f57-4f45-bdff-a28e72a2e1c4%22%7d

Meeting number (access code): 234 217 441 774

Meeting password: oGz4N3

You also may join the meeting by phone:

Call in Number: 1-603-931-4944

Access Code: 636 690 568#

Contact Jeanne Roningen at (603) 271-8740 or jeanne.m.roningen@doit.nh.gov if you have any questions or technical issues connecting to the hearing.

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

FIS # 22:157 , dated 12/16/2022

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 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 and so do not violate Part I, Article 28-a of the N.H. Constitution.