

Notice Number 2023-9

Rule Number Env-Sw 1600

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,VI

3. Federal Authority: N/A

4. Type of Action:

Adoption           

Repeal       X      

Readoption       X      

Readoption w/amendment       X      

5. Short Title: **Solid Waste Facility Operator Training and Certification**

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

**The Department is proposing effectively to readopt with amendment Env-Sw 1600, *Solid Waste Facility Operator Training Requirements*. The amendments clarify the requirements for granting extensions for completing the basic training requirements, and for processing renewal applications, including the repeal of Env-Sw 1611.08 for renewal of certifications issued under rules prior to 2014, which is no longer applicable. With the exception of Env-Sw 1605.08, 1609, and 1611.08 (renumbered as 1611.07) and some provisions in 1605.08 (renumbered as 1611.07), 1611.03, and 1611.04, the existing rules will expire on July 1, 2024.**

**The purpose of the chapter is to establish the requirements for solid waste operator training and certification. All operators who work at permitted solid waste facilities in the state must be certified by NHDES through the Solid Waste Facility Operator Training and Certification Program. This program increases awareness of, and compliance with, RSA 149-M and the solid waste rules through education and training.**

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

**Any individual who wishes to obtain or renew a certification to operate a solid waste facility will be affected by these rules.**

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

<b>Rule Sections</b>	<b>State Statute(s) Being Implemented</b>
Env-Sw 1601.01 through Env-Sw 1611.06	RSA 149-M:6, XIII; RSA 149-M:7, VI; RSA 149-M:9, VI
Env-Sw 1611.07 (repealed)	RSA 149-M:6, XII
Env-Sw 1611.08 (renumbered as Env-Sw 1611.07) through 1612.06	RSA 149-M:6, XIII; RSA 149-M:9, VI

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

Name:	<b>Debra Sonderegger</b>	Title:	<b>Enforcement Program Coordinator</b>
Address:	<b>Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095</b>	Phone #:	<b>(603) 271-0674</b>
		Fax#:	<b>(603) 271-2456</b>
		E-mail:	<b><a href="mailto:debra.a.sonderegger@des.nh.gov">debra.a.sonderegger@des.nh.gov</a></b>

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 p.m. on Friday, February 10, 2023.**

Please submit comments to [swmbrules@des.nh.gov](mailto:swmbrules@des.nh.gov).

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, February 2, 2023, at 10:30 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\\_YTgyYjNiNWQtYWNjMy00MzBmLTlmYTgtYTRiZDk1ZThmNGMz%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](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YTgyYjNiNWQtYWNjMy00MzBmLTlmYTgtYTRiZDk1ZThmNGMz%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](mailto: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 # 22:264 , dated 12/29/2022

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 proposed rules modify an existing program or responsibility, but do not mandate any additional expenditure on the political subdivisions of the state and therefore do not violate Part I, Article 28-a of the N.H. Constitution**