

Notice Number 2024-52

Rule Number Env-Sw 100

|  |   |
|--|---|
| 1. Agency Name & Address:<br><br><b>Department of Environmental Services<br/>29 Hazen Drive<br/>P.O. Box 95<br/>Concord, NH 03302-0095</b> | 2. RSA Authority: <u>RSA 149-M:7, XVI</u> |
|  | 3. Federal Authority: <u>N/A</u>          |
|  | 4. Type of Action:                        |
|  | Adoption <u>X</u>                         |
|  | Repeal <u>X</u>                           |
| Readoption <u>X</u>  |   |
| Readoption w/amendment <u>X</u>  |   |

5. Short Title: **Solid Waste Program Purpose, Applicability, and Definitions**

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 (Department) proposes to adopt, readopt, readopt with amendment, or repeal all the rules in Env-Sw 100, Solid Waste Program: Purpose, Applicability, and Definitions. The purpose of the chapter is to specify the definitions that apply throughout the subtitle Env-Sw. This rulemaking is a companion rulemaking to substantive changes proposed in separate rulemakings.**

**The proposed amendments to the rule incorporate new definitions and update existing definitions from RSA 149-M, including implementation for the first time of new and amended definitions in RSA 149-M:4 as amended by 2022, 224:2-9 and 2023, 79:354 and 355.**

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

**The rules apply to permittees and facility owners of solid waste facilities, and to anyone else to whom the rules set out in subtitle Env-Sw apply.**

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 101 | RSA 149-M:7, XVI             |
| Env-Sw 102 | RSA 149-M:7, XVI             |
| Env-Sw 103 | RSA 149-M:7, XVI             |
| Env-Sw 104 | RSA 149-M:7, XVI             |

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

Name: **Emily Jones**

Title: **Compliance Assurance Section Supervisor**

Mailing Address: **Department of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095**

Phone #: **1-603-271-6467**

Fax#: **1-603-271-2456**

E-mail: [Emily.M.Jones@des.nh.gov](mailto:Emily.M.Jones@des.nh.gov)

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, May 3, 2024**

Fax

E-mail

Other format (specify):USPS

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

9. Public hearing scheduled for:

Date and Time: **Thursday, April 25, 2024, at 10:30 am**

Physical Location: **Auditorium, DMV building, 23 Hazen Drive, Concord, NH**

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

[Click here to join the meeting](#)

**Meeting number (access code):** After registering using this link, interested participants will be provided a confirmation email with information about joining the hearing remotely.

Electronic Access (if applicable):

**You also may join the meeting by phone:**

**Call in Number:** [+1 603-931-4944,,327357020#](tel:+16039314944327357020)

**Passcode:** x46AZC

**Meeting ID:** 286 303 618 877

**If any questions or technical issues, please contact Jeanne Roningen at 1-603-271-8740 or via email at [Jeanne.M.Roningen@des.nh.gov](mailto:Jeanne.M.Roningen@des.nh.gov).**

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

FIS # 24:040 , dated 3/11/2024

**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:

**Any costs associated with the proposed rules are primarily attributable to the statutes. The proposed rules do not mandate or assign to any local subdivision a program or responsibility that is new, expanded or modified from what existed before state action which would necessitate additional expenditures by a local subdivision. The proposed rules do not impose a substantial change to an underlying function, duty, or activity performed or to be performed by a local government, and so do not violate Part I, Article 28-a of the New Hampshire Constitution.**