

Notice Number 2024-54

Rule Number Env-Sw 500

<p>1. Agency Name & Address:</p> <p>Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095</p>	<p>2. RSA Authority: <u>RSA 149-M:7, II, III, V, VIII, XIV, and XVI</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Processing/Treatment Facility Requirements**

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 readopt with amendment Chapter Env-Sw 500 to revise, specify, and clarify the requirements, which specify siting, design, operational, and closure requirements for solid waste processing and treatment (P/T) facilities, including composting facilities and incinerators. The proposed rules help assure protection of public health, safety, and the environment.

The existing rules in Chapter Env-Sw 500 are scheduled to expire 7-1-24 but are subject to extension pursuant to RSA 541-A:14-a. The changes from the existing chapter are summarized below:

- **Env-Sw 507.04 concerning P/T facilities producing certified waste-derived products: “processed non-select” was removed throughout the section to allow unprocessed recyclable material, whether select or non-select; added Env-Sw 507.04(f)(1)-(3) to establish capacity limits for select recyclables, non-select recyclables and liquids; added Env-Sw 507.04(g) to specify the stored quantity of residual and bypass waste combined to not exceed 50 cubic yards or, if the waste is a liquid, 55 gallons; and added Env-Sw 507.04(h) to prohibit the processing of waste by combustion methods.**
- **Env-Sw 508.03 concerning generator P/T facilities: a rule reference was corrected; and “subject P/T” was added for clarity and consistency.**
- **Env-Sw 508.04 concerning infectious waste bench top facilities: added “or a facility under the direct control and supervision of a veterinarian licensed pursuant to RSA 332-B” in Env-Sw 508.04(a) and added “veterinary” in Env-Sw 508.04(b)(1), (2), and (3) to specify that veterinary facilities are eligible for a permit exemption that allows on-site treatment of infectious waste; and added “subject treatment” in Env-Sw 508.04(d), (e), (f), (g), and (h) for clarity and consistency.**
- **Env-Sw 508.06 concerning P/T facilities using processed select recyclable materials: revised the section heading to clarify that the permit exemption is specific to facilities that manage processed recyclable materials.**
- **Env-Sw 508.07 concerning P/T facilities using processed non-select recyclable materials: rearranged wording of “non-select” to clarify that the permit exemption is specific to facilities that manage processed non-select recyclable materials.**

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

The rules apply to owners of processing and treatment facilities, including composting facilities and incinerators that require a solid waste permit.

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

Rule Sections	Statute(s) Being Implemented
Env-Sw 500	RSA 149-M:6, III; RSA 149-M:7, II, III, V, VIII, XIV; RSA 149-M:9

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** Phone #: **1-603-271-6467**
P.O. Box 95 Fax#: **1-603-271-2456**
Concord, NH 03302-0095 E-mail: 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 10, 2024**

Fax

E-mail

Other format
(specify):USPS

Please submit comments to
swmbrules@des.nh.gov

9. Public hearing scheduled for:

Date and Time: **Wednesday, May 1, 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](tel:+16039314944),[812103412#](tel:+1603931812103412)

Passcode: VuQiZa

Meeting ID: 232 066 527 980

If any questions or technical issues, please contact Jeremy Lewis at 1-860-387-9931 or via email at Jeremy.M.Lewis@des.nh.gov.

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

FIS # 24:046 , dated 3/12/2024

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:

Any costs associated with the proposed rules are primarily attributable to the statute(s). 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.