

Notice Number 2023-286

Rule Number Env-A 4800

<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 125-O:8, I</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 <u>X</u></p> <p>Readoption w/amendment _____</p>
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5. Short Title: **Carbon Dioxide (CO₂) Allowance Auction Program**

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 Env-A 4800, *Carbon Dioxide (CO₂) Allowance Auction Program*, without any changes.

The chapter is based on the Regional Greenhouse Gas Initiative (RGGI). RGGI is composed of individual CO₂ Budget Trading Programs in each of the eleven RGGI participating states. Each participating state’s CO₂ Budget Trading Program is based on the 2008 RGGI Model Rule, which was developed to provide guidance to states as they implemented the RGGI program. RGGI participating states completed a 2012 program review and made amendments to the 2008 RGGI Model Rule which were finalized in February 2013. RGGI participating states completed another program review in 2017 which resulted in amendments to the RGGI Model Rule, finalized in December 2017.

No changes are needed to Env-A 4800 at this time.

These rules are due to expire on January 1, 2024. The existing rules are subject to extension for the duration of this readoption proceeding pursuant to RSA 541-A:14-a, I.

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

The rules affect any individual or entity interested in participating in an auction of CO₂ allowances, including owners of CO₂ budget units located in New Hampshire, owners of CO₂ budget units located outside of New Hampshire but within those participating RGGI states that have final CO₂ budget trading regulatory provisions in place at the time of the CO₂ allowance auction, owners of fossil fuel-fired generation units located outside of the participating states; brokers; environmental groups; financial and investment institutions; and other market participants.

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 or Federal Statute or Federal Regulation Implemented
Env-A 4800	RSA 125-O:21, III; RSA 125-O:26; RSA 125-O:29

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

Name:	Karla McManus	Title:	DES-ARD Planning and Rules Manager
Mailing Address:	Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-6854
		Fax#:	(603) 271-1381
		E-mail:	Karla.S.McManus@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 p.m. on Friday, January 19, 2024**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, January 11, 2024 at 10:30 AM**

Physical Location: **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.

Electronic Access (if applicable): **Join on your computer, mobile app or room device**
[Click here to join the meeting](#)
Meeting ID: 297 898 588 274
Passcode: dkh84M
[Download Teams](#) | [Join on the web](#)

Or call in (audio only)
[+1 603-931-4944,,443025182#](#) United States, Concord
Phone Conference ID: 443 025 182#

Contact Meg King at Margaret.M.King@des.nh.gov or (603) 271-7669 if you have any questions or technical issues connecting to the hearing.

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

FIS # 23:262 , dated 11/09/2023

- 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 and amendments do not create, expand, or modify any program or responsibility in such a way as to necessitate additional expenditures by political subdivisions. The rules thus do not violate Part I, Article 28-a of the New Hampshire Constitution.