

Notice Number 2024-32 Rule Number Env-Sw 700, Env-Sw 900, Env-Sw 1500, Env-Sw 1700, Env-Sw 1800, Env-Sw 2000

<p>1. Agency Name & Address:</p> <p>Department of Environmental Services 29 Hazen Drive Concord, New Hampshire</p>	<p>2. RSA Authority: RSA 149-M:7, II, III, V, VIII, XII, XIV, XV; RSA 149-M:37</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>

5. Short Titles: **Incineration Facilities; Management of Certain Wastes; Waste-Derived Products; Wood Ash Spreading; Toxics in Packaging; and Inspections**

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 proposes to readopt the following requirements for management of solid waste:

- **The existing rules in Env-Sw 700 which specify requirements for waste incineration facilities, including permitting, siting, design, operating, and closure requirements;**
- **The existing rules in Env-Sw 900 which specify requirements for the management of asbestos, ash, non-hazardous contaminated soils, infectious waste, and tires;**
- **The existing rules in Env-Sw 1500 which specify criteria and procedures by which waste-derived products, as defined by Env-Sw 104, are certified for distribution and use;**
- **The existing rules in Env-Sw 1700 which implement the wood ash spreading program. This is a voluntary program by which generators of wood ash can distribute wood ash for agricultural use, thereby saving disposal costs. Farmers benefit from the use of wood ash. The rules contain testing and certification requirements;**
- **The existing rules in Env-Sw 1800 which implement statutory regulation of heavy metals in product packaging; and**
- **The existing rules in Env-Sw 2000 which specify requirements for the inspection of solid waste facilities.**

All six chapters are proposed to be readopted without amendment. Most of the existing rules are scheduled to expire on July 1, 2024, but are subject to extension pursuant to RSA 541-A:14-a.

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

Chapter Env-Sw 700 applies to owners of permitted processing and treatment facilities that incinerate solid waste. Chapters Env-Sw 900, Env-Sw 1500, Env-Sw 1700, and Env-Sw 1800 apply

to solid waste management activities that may be undertaken by individuals or businesses. Chapter Env-Sw 2000 applies to the owners of all permitted and permit-exempt solid waste facilities.

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

Rule Sections	State Statute(s) Implemented
Env-Sw 700	RSA 149-M:6, III; RSA 149-M:7, II, III, V, VIII, and XIV; RSA 149-M:9
Env-Sw 900	RSA 149-M:7; II and VIII; RSA 149-M:9, X
Env-Sw 1500	RSA 149-M:7, II, V, and XV; RSA 149-M:9, XIV
Env-Sw 1700	RSA 149-M:6, XIV; RSA 149-M:7, II and III
Env-Sw 1800	RSA 149-M:7, XIII; RSA 149-M:32-40
Env-Sw 2000	RSA 149-M:6, I and IV; RSA 149-M:7, XV

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

Name: **Emily Jones** Title: **Compliance Assurance Section Supervisor**
Mailing Address: **NHDES WMD/SWMB** 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 Thursday, April 11, 2024**

Fax E-mail Other format (specify): **USPS**

Please submit comments to
swmbrules@des.nh.gov

9. Public hearing scheduled for:

Date and Time: **Thursday, April 4, 2024, at 10:00 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](#)

Electronic Access (if applicable): **You also may join the meeting by phone:**
Call in Number: [+1 603-931-4944](tel:+16039314944), [588139586](tel:+16039315881)#
Passcode: m4Bzq3
Meeting ID: 248 014 929 601

If you have any questions or technical issues connecting to the hearing, 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 # 24:013 , dated 1/26/2024

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:

The proposed re-adoption of the rules without amendment does not violate Part I, Article 28-a of the New Hampshire Constitution, because the re-adoption of the rules without amendment does not assign any new, modified, or expanded programs or responsibilities to any political subdivision of the state in such a way as to increase local expenditures.