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See page 4
Shoreland Protection effective Dec 17, 2016

Rules/Regulatory

Proposed and Recently Adopted Rules

The "Proposed" section below contains copies of rules and rulemaking filing documents related to rules that DES has proposed but has not yet adopted. The date and time of the public hearing and the deadline for filing public comment is listed for each proposed rule, as is a link to the email for the staff contact for the rulemaking. Unless otherwise specifed, all rulemaking hearings are held at the DES offices at 29 Hazen Drive, Concord. Under 2011 amendments to RSA 541-A, an agency may choose to prepare and seek public comment on a Draft Final Proposal prior to filing a Final Proposal for review by the Joint Legislative Committee on Administrative Rules ("JLCAR"). If a Draft Final Proposal is prepared, it will be posted on this page with the date and time of the public hearing if one has been scheduled and the deadline for submission of written comments. Final Proposed rules are posted once the rule has been filed for review by the JLCAR.

The "Recently Adopted" section below contains copies of rules that DES has adopted but not yet certified. Until the certified text is available, the adopted text is the official text of the rules. For rulemakings that amend only a portion of a set of existing rules, the amendments posted here must be read in conjunction with the remaining rules (available at the DES Certified Rules page).

All documents have been saved in Adobe Acrobat Reader format.

Redesignation Chart [updated 01-08-2015]

Proposed:

This contains copies of rules and rulemaking filing documents related to rules that the Department has proposed. These rules have not been adopted. Please note the following:

1. For Initial Proposals, the public comment period is noted on the associated Rulemaking Notice. If the public comment period has ended but a Final Proposal has not been posted, it means that the Department is considering the comments it has received in order to prepare a Final Proposal.
2. If a Final Proposal is posted, it means that the rule has been filed for review by the Joint Legislative Committee on Administrative Rules ("JLCAR"). The date the rules are expected to be reviewed by the JLCAR is noted below.

PROPOSED AIR PROGRAM RULES (Env-A)

- Env-A 1800 - Asbestos Management and Control
  NOTE: Pursuant to RSA 541-A:14-a, I, the existing rules will continue in effect until this rulemaking is complete and the new rules are adopted and effective.

  OLS Notice Number 2016-201
  PUBLIC HEARING: Friday, November 18, 2016, 1:00 PM; Rms 110-111, DES Offices, 29 Hazen Drive, Concord
  PARTICIPATION AT THE PUBLIC MEETING IS NOT REQUIRED TO SUBMIT WRITTEN COMMENTS
  DEADLINE FOR FILING WRITTEN COMMENTS: Wednesday, November 30, 2016 (4:00 PM)
  CONTACT: Karla McManus (Karla.McManus@des.nh.gov), ARD Planning & Rules Manager

  Initial Proposal
  Initial Proposal (Fixed Text)
  Rulemaking Notice

PROPOSED CROSS-PROGRAM RULES (Env-C)

PROPOSED DAM & RELATED RULES (Env-Wr)

PROPOSED DRINKING WATER & RELATED RULES (Env-Dw)

- Env-Dw 103.41 - Definition of Owner/Operator (NEW)

  OLS Notice Number
  PUBLIC HEARING: Thursday, January 19, 2017; 10 AM; Rm 110; DES Offices, 29 Hazen Drive, Concord

  PARTICIPATION AT THE PUBLIC MEETING IS NOT REQUIRED TO SUBMIT WRITTEN COMMENTS

  DEADLINE FOR WRITTEN COMMENTS: Friday, January 27, 2017 (4:00 PM)

  CONTACT: Holly Green (Holly.Green@des.nh.gov), DWGB Rules Coordinator

  Initial Proposal
  Rulemaking Notice

- Env-Dw 403.02, 402.03, & 714 - Control of Lead and Copper; Public Drinking Water Primacy Amendments

  OLS Notice Number
  PUBLIC HEARING: Thursday, January 19, 2017; 10 AM; Rm 110; DES Offices, 29 Hazen Drive, Concord

  PARTICIPATION AT THE PUBLIC MEETING IS NOT REQUIRED TO SUBMIT WRITTEN COMMENTS

  DEADLINE FOR WRITTEN COMMENTS: Friday, January 27, 2017 (4:00 PM)

  CONTACT: Holly Green (Holly.Green@des.nh.gov), DWGB Rules Coordinator

  Initial Proposal
  Initial Proposal - Fixed Text
  Rulemaking Notice

PROPOSED HAZARDOUS WASTE RULES (Env-Hw)

PROPOSED OIL & REMEDIATION RULES (Env-Or)

PROPOSED SOLID WASTE RULES (Env-Sw)

PROPOSED WATER QUALITY/QUANTITY RULES (Env-Wq)

- Env-Wq 1800 Rivers Management and Protection Program
  NOTE: Pursuant to RSA 541-A:14-a, I, the existing rules that would otherwise expire on November 26, 2016 that are included in this rulemaking will continue in effect until new rules are in effect.

  OLS Notice Number 2016-223
  PUBLIC HEARING: Friday, January 13, 2017; 3:30 PM, Rm 112; DES Offices, 29 Hazen Drive, Concord

  PARTICIPATION AT THE PUBLIC MEETING IS NOT REQUIRED TO SUBMIT WRITTEN COMMENTS

  DEADLINE FOR WRITTEN COMMENTS: Friday, January 20, 2017 (4:00 PM)

  CONTACT: Tracie Sales (Tracie.Sales@des.nh.gov), WD WMB Environmental Program Manager

  Initial Proposal
  Initial Proposal - Fixed Text
  Rulemaking Notice

- Env-Wq 2102 Water Use Registration and Reporting
  NOTE: Pursuant to RSA 541-A:14-a, I, the existing rules that would otherwise expire on September 24, 2016 that are included in this rulemaking will continue in effect until new rules are in effect.

  OLS Notice Number 2016-174
  PUBLIC HEARING: Thursday, October 20, 2016; 10:00 AM; Room 110, DES Offices, 29 Hazen Drive, Concord
  PARTICIPATION AT THE PUBLIC MEETING IS NOT REQUIRED TO SUBMIT WRITTEN COMMENTS
  DEADLINE FOR FILING WRITTEN COMMENTS: Friday, November 4, 2016 (4:00 PM)
  CONTACT: Holly Green (Holly.Green@des.nh.gov), DWGB Rulemaking Coordinator

  Initial Proposal
  Initial Proposal - Fixed Text
  Rulemaking Notice

PROPOSED WETLANDS RULES (Env-Wt)

PROPOSED COUNCIL & BOARD RULES

SPECIAL NOTE FOR COUNCIL AND BOARD RULES: New Hampshire has four environmental councils and two environmental boards. Each council and board has its own enabling legislation and so is separate and distinct from each other council and board. The councils and boards are also separate and distinct from the New Hampshire Department of Environmental Services. DES posts the rulemaking-related documents of the councils and boards on this page as a service to the councils and boards and as part of the administrative support DES is required by law to provide. Such inclusion on this page shall not be construed as indicating that DES has any control over the content of the rules.

Recently Adopted:

This section contains copies of rules that have been adopted by the Department but for which the certified text is not yet available. Until the certified text is available, this is the official text of the rules. Once the certified text is available, the certified text is the official version of the rules and will be available on the DES Certified Rules page.

NOTE: For rulemakings that amend only a portion of a set of existing rules, the amendments posted here must be read in conjunction with the remaining rules (available on the DES Certified Rules page).

RECENTLY ADOPTED AIR PROGRAM RULES (Env-A)

- Env-A 618.01,618.02, & 618.04; Env-A 619.03 & 619.07; Env-A 621.04 Non-Attainment New Source Review & Prevention of Significant Deterioration Amendments - effective October 22, 2016
- Env-A 904.03, 904.04, 907.02(g) VOC Recordkeeping for Surface Coating and Printing Operations; Emission Based Fee - effective November 18, 2016
- Env-A 1401.03(f); 1402.02 intro, (a), & (j)-(q); & 1450.01(b) - Regulated Toxic Air Pollutants Update - effective December 30, 2016
- Env-A 3300 Municipal Waste Combustion - effective July 18, 2016

RECENTLY ADOPTED CROSS-PROGRAM RULES (Env-C)

- Env-C 300 N.H. Environmental Laboratory Accreditation Program - effective January 1, 2017
  NOTE: Pursuant to RSA 541-A:14-a, I, the existing rules will continue in effect through December 31, 2016.

RECENTLY ADOPTED DAM PROGRAM & RELATED RULES (Env-Wr)

RECENTLY ADOPTED DRINKING WATER & RELATED RULES (Env-Dw)

- Env-Dw 301 [new] Sources of Water Definitions - effective April 1, 2016
- Env-Dw 302 Large Production Wells and Wells for Large Community Water Systems - effective April 1, 2016
- Env-Dw 303 Groundwater Sources of Bottled Water - effective April 1, 2016
- Env-Dw 305 Small Production Wells for Small Community Water Systems - effective April 1, 2016
- Env-Dw 600 Capacity Assurance - effective July 26, 2016

RECENTLY ADOPTED HAZARDOUS WASTE RULES (Env-Hw)

RECENTLY ADOPTED OIL & REMEDIATION RULES (Env-Or)

- Env-Or 603.03 amendments* - AGQS for PFOA & PFOS - effective October 22, 2016
  *Env-Or 603.03(b), (c) intro, and Table 600-1 as to PFOA and PFOS

RECENTLY ADOPTED SOLID WASTE RULES (Env-Sw)

- Env-Sw 407.03(d); 407.06(k); 1202.05; 1605.08(e); 1609; 1611.03(a)(2); 1611.04(a) intro; 1611.08 Amendments to Solid Waste Operator Training & Certification Requirements - effective November 18, 2016

RECENTLY ADOPTED WATER QUALITY/QUANTITY RULES (Env-Wq)

- Env-Wq 800 Sludge Management - eff. January 1, 2016
- Env-Wq 1000 Subdivisions; Individual Sewage Disposal Systems - eff. October 1, 2016
- Env-Wq 1400 Shoreland Protection - effective December 17, 2016
- Env-Wq 1700 Surface Water Quality Standards - effective December 1, 2016
  Env-Wq 1700 Cross-Reference Table: Prior Rules to New Rules

RECENTLY ADOPTED WETLANDS RULES (Env-Wt)

RECENTLY ADOPTED COUNCIL & BOARD RULES

SPECIAL NOTE FOR COUNCIL AND BOARD RULES: New Hampshire has four environmental councils and two environmental boards. Each council and board has its own enabling legislation and so is separate and distinct from each other council and board. The councils and boards are also separate and distinct from the New Hampshire Department of Environmental Services. DES posts the recently-adopted rules of the councils and boards on this page as a service to the councils and boards and as part of the administrative support DES is required by law to provide. Such inclusion on this page shall not be construed as indicating that DES has any control over the content of the rules.

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