

14633, (eff 7-1-26)

Readopt with Amendment Env-Sw 2201 through Env-Sw 2203, effective 1-1-26 (Document #14422, INTERIM) to read as follows:

CHAPTER Env-Sw 2200 SOLID WASTE MANAGEMENT FUND

Statutory Authority: RSA 149-R

PART Env-Sw 2201 SOLID WASTE MANAGEMENT FUND: PURPOSE AND DEFINITIONS

Env-Sw 2201.01 Purpose. The purpose of this chapter is to implement the rulemaking authority pursuant to RSA 149-R:6 pertaining to the solid waste disposal surcharge, reporting requirements, matching grants, interest rates for late payment, and payments to New Hampshire municipalities, pursuant to RSA 149-R:4, II.

Env-Sw 2201.02 Definitions. For purposes of this chapter, the following definitions shall apply:

- (a) “Department” means “department” as defined in RSA 149-R:2, II;
- (b) “Disposal facility” means a facility that holds a permit issued pursuant to RSA 149-M for a New Hampshire landfill, incinerator, or waste-to-energy facility;
- (c) “Fund” means “fund” as defined in RSA 149-R:2, III; and
- (d) “Surcharge” means the solid waste disposal surcharge established pursuant to RSA 149-R:5.

PART Env-Sw 2202 SOLID WASTE DISPOSAL SURCHARGE

Env-Sw 2202.01 Applicability. The rules in this part shall apply to disposal facilities required to collect the surcharge from customers pursuant to RSA 149-R:5, I and II.

Env-Sw 2202.02 Surcharge Collection, Remittance, and Reporting.

- (a) A disposal facility shall collect the surcharge upon receipt of solid waste for disposal from its customers, in the amount established in RSA 149-R:5.
- (b) A disposal facility shall remit to the department payment corresponding to the amount of solid waste subject to the surcharge, and received by the facility, according to the following schedule:
 - (1) For the 1st quarter of each calendar year, on or before April 30 of that year;
 - (2) For the 2nd quarter of each calendar year, on or before July 30 of that year;
 - (3) For the 3rd quarter of each calendar year, on or before October 30 of that year; and
 - (4) For the 4th quarter of each calendar year, on or before January 30 of the following year.
- (c) With the surcharge payment, a disposal facility shall:
 - (1) Complete and submit form NHDES-S-5-032, the “Solid Waste Disposal Facility Certified Report Form”, effective July 2026 available at: <https://onlineforms.nh.gov/?FormTag=NHDES-S-05-032> for each full or partial calendar quarter the facility is in operation;
 - (2) Certify that the information provided in the certified report is true, complete, and not misleading to the best of their knowledge and belief; and
 - (3) Certify that the person completing the form has been duly authorized by the permittee to make these declarations.

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Env-Sw 2202.03 Late Remittance of Surcharge. A disposal facility that fails to remit quarterly payment of the surcharges by the due date established in Env-Sw 2202.02(b) shall pay, in addition to the surcharge, interest on any unpaid surcharge to the department, at the rate of 10%, compounded daily.

Env-Sw 2202.04 Recordkeeping.

(a) A disposal facility shall maintain the following records for at least 5 years from the date the record was produced:

- (1) Accurate and complete records detailing the type and quantity of solid waste disposed during each calendar quarter; and
- (2) A copy of all records used to calculate each quarterly surcharge payment, including waste receipts.

(b) A disposal facility shall provide copies of all records specified in (a) above to the department within 15 days of request.

PART Env-Sw 2203 SOLID WASTE DISPOSAL SURCHARGE REIMBURSEMENT

Env-Sw 2203.01 Applicability. The rules in this part shall apply to offset payment reimbursements of the surcharge to municipalities, pursuant to RSA 149-R:4, II.

Env-Sw 2203.02 Definitions. For purposes of this part, the following definitions shall apply:

(a) "Municipality" means "municipality" as defined in RSA 33:1, I, namely "a town, city, school district or village district."; and

(b) "Reimbursement" means money paid from the fund to a municipality to offset a surcharge paid by that municipality.

Env-Sw 2203.03 Requests for Reimbursement.

(a) A municipality may request reimbursement from the fund of the surcharge the municipality paid to dispose of solid waste at a disposal facility.

(b) A municipality may submit a request for reimbursement to the department at least 90 days but within one year of the end of the calendar quarter in which the municipality paid the surcharge.

(c) The reimbursement amount shall not exceed the amount of the surcharge paid by the municipality.

(d) A municipality seeking reimbursement shall:

- (1) Complete and submit form NHDES-S-5-033, "Request for Reimbursement of Solid Waste Disposal Surcharge Paid by Municipality", effective July 2026 available at: <https://onlineforms.nh.gov/?FormTag=NHDES-S-05-033>, for each calendar quarter the municipality paid the surcharge; and

- a. Certify that the information provided in the request for reimbursement is true, complete, and not misleading to the best of their knowledge and belief; and
- b. Certify that the person completing the form has been duly authorized by the municipality to make these declarations; and

- (2) Submit copies of solid waste invoices, documenting the amount of solid waste disposed, in tons, and demonstrating the surcharge paid during the calendar quarter.

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(e) If the department denies a reimbursement request or approves a reimbursement request for less than the requested amount, the municipality may resubmit the reimbursement request with additional information, for reconsideration, including an explanation of the basis of the resubmittal.

Env-Sw 2203.04 Reimbursement Request Review Procedures.

(a) The department shall not approve a reimbursement request without receiving the information required in Env-Sw 2203.03(d).

(b) Within 30 days of receipt of a complete reimbursement request, the department shall determine the amount of reimbursement to be made.

(c) Reimbursement shall be equal to the amount of surcharge the municipality paid, as demonstrated by the records provided pursuant to Env-Sw 2203.03(f).

(d) The department shall issue a notice of reimbursement, and payment, to the municipality within 15 days of the reimbursement determination.

(e) If the reimbursement amount is less than the requested amount, the department shall indicate the reasons for a reduction in payment or non-payment on the notice of reimbursement.

Env-Sw 2203.05 Recordkeeping. Municipalities shall:

(a) Keep a complete copy of each reimbursement request with the records required by Env-Sw 2203.03(f)(2) for at least 5 years from the date of reimbursement request submittal; and

(b) Provide copies of all records specified in (a) above to the department within 15 days of request.

Adopt Env-Sw 2204 through 2207 to read as follows:

PART Env-Sw 2204 WASTE REDUCTION AND DIVERSION GRANT PROGRAM: PURPOSE AND DEFINITIONS

Env-Sw 2204.01 Purpose. The purpose of the rules in parts Env-Sw 2204 through Env-Sw 2207 is to implement RSA 149-R:4, III. Rules set forth in these parts establish procedures for administering a competitive grant program in support of projects and programs that will:

(a) Provide a demonstrated, significant improvement in waste diversion methods; and

(b) Contribute to a reduction of wastes, including hazardous wastes, that require disposal.

Env-Sw 2204.02 Definitions. For the purposes of parts Env-Sw 2204 through Env-Sw 2207, the following definitions shall apply:

(a) “Business” means any corporation, partnership, limited liability company, proprietorship, association, trust, business trust, real estate trust, or other form of organization registered to do business with the New Hampshire secretary of state;

(b) “Disbursement” means a transfer of funds from the fund to a recipient;

(c) “Eligible costs” means that portion of the costs of projects that qualify for grant funding under RSA 149-R:4, III;

(d) “Grant agreement” means the financial assistance agreement between the state and a recipient through which the state agrees to provide grant funds approved by the department from the fund to the

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recipient and the recipient agrees to use the grant funds as specified in its application, as approved by the department;

(e) “Private entity” means a for profit or not for profit legal entity that is registered to do business in New Hampshire with the New Hampshire secretary of state but is not a governmental agency and is not a business as defined in (a) above; and

(f) “Recipient” means an applicant that receives grant monies from the fund.

PART Env-Sw 2205 GRANT ELIGIBILITY; MATCH REQUIRED

Env-Sw 2205.01 Eligible Entities. The following entities shall be eligible for grant monies:

- (a) Political subdivisions;
- (b) Private entities; and
- (c) Businesses.

Env-Sw 2205.02 Eligible Projects. Projects that are eligible for grants shall:

- (a) Support waste reduction and diversion; and
- (b) Provide a demonstrated significant improvement in waste diversion methods that contributes to a reduction of wastes requiring disposal, pursuant to RSA 149-R:4, III.

Env-Sw 2205.03 Ineligible Costs. The following costs shall not be eligible for funding:

- (a) Costs incurred prior to or after the grant term;
- (b) Costs that have been or will be paid for under any other federal, state, or local government grant or loan, including other grants or loans from the department;
- (c) Recovering energy from the combustion of a waste;
- (d) Support for political activities;
- (e) Loans or repayment of financial obligations;
- (f) Land acquisition costs;
- (g) Feasibility studies;
- (h) Costs associated with obtaining the grant;
- (i) Legal fees; or
- (j) Solid waste hauling or disposal fees.

Env-Sw 2205.04 Funding Availability and Announcement.

(a) The department shall choose the number, frequency, and dollar amount of awards for each grant round based on the availability of funds.

(b) The department shall announce grant rounds by publishing a funding announcement on the department’s website and social media accounts and issuing a press release.

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(c) The funding announcement shall identify project initiatives that shall be given priority by the department.

Env-Sw 2205.05 Match Required.

(a) Recipients shall provide matching funds as established in the funding announcement issued by the department in accordance with Env-Sw 2205.04.

(b) Grant funds from other sources, including other department grant funds, shall not be used to meet match requirements.

PART Env-Sw 2206 GRANT APPLICATION SUBMISSION AND PROCESSING PROCEDURES

Env-Sw 2206.01 Application Submittal.

(a) To be considered for a waste reduction and diversion grant, an eligible entity shall submit the following to the department, prior to the application deadline specified in the funding announcement:

(1) A complete application on form NHDES-S-05-042 “Solid Waste Reduction and Diversion Grant Application”, effective July 2026 available at:

<https://onlineforms.nh.gov/?formtag=NHDES-S-05-042>, provided by the department;

(2) A certification that the information provided in the application is true, complete, and not misleading to the best of their knowledge; and

(3) A certification that the person signing the application has been duly authorized by the applicant to make the above declarations and sign this application.

(b) For collaborative projects that include multiple eligible entities, one entity shall be the primary applicant and shall submit a letter of commitment from each participating entity as an attachment to the application.

Env-Sw 2206.02 Application Processing. Application processing shall be conducted as follows:

(a) The department shall review each grant application received prior to the submission deadline established in the funding announcement to determine whether the entity and project are eligible and whether the application contains all of the information required by Env-Sw 2206.01; and

(b) If the department determines that the applicant or the project is not eligible, or the application does not contain all of the information required by Env-Sw 2206.01, the department shall not consider the application for award and shall notify the applicant of the reasons for the determination.

Env-Sw 2206.03 Basis of Fund Allocation; Grant Award Decisions and Notification.

(a) The department shall rank grant applications in accordance with the following scoring criteria:

(1) Need;

(2) Anticipated impact;

(3) Cost effectiveness;

(4) Collaboration with other political subdivisions or entities;

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(5) Alignment with the priorities identified pursuant to Env-Sw 2205.04(c).

(b) The department shall release scoring with the grant notice that will describe how each of the criteria will be weighed.

(c) Grant awards shall be made in the order of ranking, beginning with the highest-ranked application, and continuing sequentially until the total amount of funds available for the grant round have been committed or the remaining applications do not meet the minimum scoring criteria to be awarded funding.

(d) The department shall notify each applicant in writing regarding whether the application has been selected for grant funding and, if selected, provide each applicant with the grant agreement.

(e) Failure of the applicant to provide the complete and executed grant agreement within 30 days of notification shall result in a withdrawal of the grant award, unless an extension of the deadline is requested in writing by the applicant and agreed to by the department.

PART Env-Sw 2207 DISBURSEMENT OF FUNDS; GENERAL GRANT REQUIREMENTS

Env-Sw 2207.01 Disbursement of Grant Funds.

(a) Grant fund recipients shall:

(1) Request disbursement for eligible costs by completing and submitting form NHDES-S-05-045, "Progress Report and Disbursement Request for the Solid Waste Reduction and Diversion Grant" form, effective July 2026, and available at: <https://onlineforms.nh.gov/?formtag=NHDES-S-05-045>, as specified below:

a. Submit the form no more frequently than quarterly; and

b. Submit a final report using the form in (1) above no later than 30 days after the completion of the project, unless otherwise requested in writing by the department;

(2) Attach photos that illustrate progress made, or completion of the project;

(3) Submit copies of receipts, invoices, or proof of payment for all expenses;

(4) Certify that the information in the "Progress Report and Reimbursement Request for the Solid Waste Reduction and Diversion Grant" form is true and correct to the best of recipient's knowledge; and

(5) Certify that the signatory has been duly authorized to make the declarations required in the form.

(b) The department shall approve a disbursement request submitted as specified in (a) above if it determines:

(1) The costs covered by the disbursement request are eligible costs; and

(2) The costs have not been covered by any previous disbursement.

(c) Upon approval of a disbursement request, the department shall authorize the disbursement to be made to the recipient from the fund.

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(d) If the recipient submits an incomplete “Progress Report and Disbursement Request for the Solid Waste Reduction and Diversion Grant” form, the department shall notify the recipient of each deficiency.

(e) In order to receive a disbursement, the recipient shall correct all deficiencies no later than 30 days of the date of the notice provided pursuant to (d) above.

(f) If the recipient does not correct all deficiencies within 30 days, the department shall not authorize disbursement.

(g) If the department does not approve all or part of a disbursement request, it shall provide the reasons for such non-approval.

Env-Sw 2207.02 General Grant Requirements. Recipients shall adhere to the following requirements throughout the grant term:

(a) Attend commencement and periodic check-in meetings that the department may schedule, as necessary;

(b) Allow inspections of project facilities by the department; and

(c) Provide copies of project-related documents to verify compliance with the grant agreement, as requested by the department.

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APPENDIX A: STATE STATUTES IMPLEMENTED

Rule Sections	Statutes Being Implemented
Env-Sw 2201	RSA 149-R:2, III; RSA 149-R:4, II; RSA 149-R:6
Env-Sw 2202	RSA 149-R:5, I, II, III, V; RSA 149-R:6, I, II, III, VII
Env-Sw 2203	RSA 149-R:4, II; RSA 149-R:6, II, IV
Env-Sw 2204	RSA 149-R:4, III, IV; RSA 149-R:6, VI
Env-Sw 2205	RSA 149-R:4, III, IV; RSA 149-R:6, VI
Env-Sw 2206	RSA 149-R:4, III, IV; RSA 149-R:6, VI
Env-Sw 2207	RSA 149-R:4, III, IV; RSA 149-R:6, VI; RSA 149-M:6, IV

Solid Waste Disposal Facility Certified Report Form

CALENDAR QUARTER:

CALENDAR YEAR:

SECTION I. FACILITY IDENTIFICATION

Facility Name:

Permit No:

Permittee:

SECTION II. WASTE TYPE(S) RECEIVED IN TONS

	MSW-RES	MSW-C/I	CDD	ASBESTOS	ASH	SLUDGE	C-SOIL	OTH	TOTAL DISPOSAL	TOTAL SURCHARGE DUE (tonnage x \$3.50/ton)
	fields must be filled in. If no waste, enter zero								0.0	\$0.00
Totals	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00

Notes and legend will be shown on the screen as disposal facility enters section II data. Red font means required fields

Notes:

- (1) Tonnages indicate those tons received and disposed within the landfill's approved design volume, or incinerated in the case of an incinerator/waste-to-energy facility.
- (2) "Municipal solid waste" means solid waste generated at residences, commercial or industrial establishments and institutions, but excluding construction and demolition debris, automobile scrap and other motor vehicle waste, infectious waste, asbestos waste, contaminated soil and other absorbent media, and ash other than ash from household stoves. See Env-Sw 103.55.
- (3) Materials used as cover at landfills are not subject to the disposal surcharge.
- ~~(4) Surcharge payment mailed by paper check~~

Legend for Waste Types:

- MSW-RES = Municipal solid waste from residential sources
- MSW-C/I = Municipal solid waste from commercial and industrial sources
- CDD = Construction and demolition debris (see Env-Sw 102.47)
- ASBESTOS = Non-friable and friable asbestos-containing waste (see Env-Sw 102.18 and Env-Sw 901)
- ASH = Ash residue remaining after combustion of various materials in an incinerator or other device
- SLUDGE = Sludges from various water, wastewater and air pollution control processes
- C-SOIL = Soil with contamination (e.g., petroleum, other substances - see Env-Sw 903) that is disposed and unsuitable for use as alternate daily cover at landfills
- OTH = Any other waste received that is not categorized above. Does not include materials used as cover at landfills.

SECTION III. SIGNATURE

Duly-Authorized Individual

I declare **certify** that the information provided in the certified report is true, complete, and not misleading to my knowledge and belief.I affirm **certify** that I have been duly-authorized by the permittee to make these declarations.

Signature of Individual Duly-Authorized to Sign for Permittee:

Date:

FOR ILLUSTRATIVE PURPOSES ONLY - FORM WILL BE VIA WEB BASED SUBMITTAL ONLY

REQUEST FOR REIMBURSEMENT
SOLID WASTE DISPOSAL SURCHARGE PAID BY MUNICIPALITY
Reimbursement payments will be made electronically

RSA/Rule: RSA 149-R / Env-Sw 2200

A. CALENDAR QUARTER/YEAR

(1) Identify the calendar quarter and year for which this request for reimbursement is being submitted.			
Q1 ☐ (Jan. 1 to Mar. 31)	Q2 ☐ (Apr. 1 to Jun. 30)	Q3 ☐ (Jul. 1 to Sept. 30)	Q4 ☐ (Oct. 1 to Dec. 31)
Year: _____			

B. MUNICIPALITY INFORMATION

(1) Municipality Name: _____
(2) Vendor Number: _____
(3) Does Municipality own a solid waste disposal facility required to collect the disposal surcharge? If so, NHDES Solid Waste Facility permit number: _____

C. MUNICIPALITY CONTACT INFORMATION

(1) Contact name and title: _____	
(2) Mailing address: _____	
(3) Daytime phone: _____	
(4) Email: _____	
(5) New contact since the last reimbursement request?	
☐ Yes. Date of change: _____	☐ No

D. REIMBURSEMENT

(1) Amount of solid waste disposed in the calendar quarter noted in A. above, in tons: _____
(2) Tons in (1) multiplied by \$3.50 per ton = \$ _____
(3) Attach copies of solid waste invoices from each solid waste hauler or disposal facility, documenting the amount of solid waste disposed, in tons, and the surcharge paid during the calendar quarter noted in A.

E. MUNICIPALITY CERTIFICATION STATEMENT

I certify that the information provided in the request for reimbursement is true, complete, and not misleading to my knowledge and certify that I have been duly authorized by the municipality or district to make the above declarations.

Municipality Contact Signature_____
Date Signed_____
Municipality Contact Printed Name_____
Title of Municipality Contact

FOR ILLUSTRATIVE PURPOSES ONLY - FORM WILL BE VIA WEB BASED SUBMITTAL ONLY

SOLID WASTE REDUCTION AND DIVERSION GRANT APPLICATION

Waste Management Division
Solid Waste Management Bureau
Solid Waste Management Fund

RSA/Rule: RSA 149-R:5 /Env-Sw 2200

If more space is needed, attach additional pages as necessary.

A. APPLICANT & PROJECT INFORMATION

Project Title:	
Applicant Name:	
Applicant Address:	
Project Address (if different than applicant address):	
Eligible Entity: Political Subdivision ☐ Business ☐ Private Entity (Non-profit) ☐	
Eligible Entity Name:	
Primary Contact:	Title:
Email:	Phone:
Authorized Signatory (if different than primary contact):	Title:
Email:	Phone:

B. PROJECT NARRATIVE

Provide a concise summary of how the proposed project will result in a demonstrated, significant improvement in waste diversion methods by responding to each of the following prompts:

(1) Provide background on why the proposed project is needed:
(2) Describe the proposed project (what specifically would grant funds be used for?):

(3) Describe the anticipated project Impact:
(4) Describe how the project will be cost effective and contribute to operational efficiency:
(5) Describe how the project will contribute to regional collaboration (as applicable):
(6) Describe how the project addresses priorities identified in the funding announcement (as applicable):

C. PROJECT BUDGET

Eligible Project Costs:	
List estimated costs for this project with amounts that relate to waste reduction or diversion activities only.	
Line Item	Amount
Construction Costs:	\$
Equipment Costs:	\$
Outreach/Education Costs:	\$
Other (describe):	\$
	\$
	\$
Total Eligible Project Cost:	\$
Provide assumptions made in estimating costs, if applicable:	

D. PROJECT TIMELINE

Provide a timeline describing key milestones and deadlines.	
Activity	Date
Anticipated Project Start Date:	

FOR ILLUSTRATIVE PURPOSES ONLY - FORM WILL BE VIA WEB BASED SUBMITTAL ONLY

Anticipated Project Completion Date:	
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E. LETTERS OF COMMITMENT

Check the box below if letters of commitment have been attached as required per Env-Sw 2206.01 (b) for regional or collaborative grant projects.

☐ Letter(s) of commitment attached.

F. APPLICANT CERTIFICATION STATEMENT

I certify that the information in this application and the attachments is true, complete, and not misleading to the best of my knowledge, and I certify that I am duly authorized to make the above declarations and sign this application.

Signature of Authorized Representative

Title

Date

**PROGRESS REPORT
AND
DISBURSEMENT REQUEST FOR THE
SOLID WASTE REDUCTION AND DIVERSION GRANT**

Waste Management Division
Solid Waste Management Bureau
Solid Waste Management Fund

RSA/Rule: RSA 149-R:5 / Env-Sw 2200

A. REPORTING PERIOD

(1) Identify the calendar quarter and year for which this progress report is being submitted.			
Q1 ☐ (Jan. 1 to Mar. 31)	Q2 ☐ (Apr. 1 to Jun. 30)	Q3 ☐ (Jul. 1 to Sept. 30)	Q4 ☐ (Oct. 1 to Dec. 31)
Year: _____			
(2) Final Report: ☐ Yes ☐ No			
If yes, please provide project completion date: _____			

B. RECIPIENT INFORMATION

(1) Recipient Name: _____
(2) Contact Name and Title: _____
(3) Mailing Address: _____
(4) Daytime Phone: _____
(5) Email: _____
(6) Grant Agreement Number: _____

C. PROGRESS REPORT

(1) Project Title: _____
(2) Summary of Project Activities: Describe key tasks, milestones reached, and any challenges encountered.
(3) Impact and Outcomes: Provide measurable results, such as materials diverted, waste reduced, community engagement, etc.
(4) Planned Activities: Outline next steps, upcoming activities, or adjustments needed.
(5) Photo Documentation: Attach photos that illustrate progress made or completion of the project.

D. DISBURSEMENT REQUEST

(1) Total Amount Requested: _____

FOR ILLUSTRATIVE PURPOSES ONLY - FORM WILL BE VIA WEB BASED SUBMITTAL ONLY

(2) Expense Breakdown: List expenses incurred for this reporting period with amounts that relate to eligible costs only.	
Expenditure	Amount
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
(3) Invoice & Receipt Attachments: Submit copies of receipts, invoices, and proof of payment for all expenses.	

E. RECIPIENT CERTIFICATION STATEMENT

I certify that the information in this Progress Report and Disbursement Request form is true, complete, and not misleading to the best of my knowledge and I certify that I have been duly authorized to make the above declarations.

Signature of Authorized Representative

Title

Date