



OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES
STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Rulemaking Notice Form

Notice Number: 2026-218

Rule Number: Env-Sw 2200 various

1. **Agency:** Department of Environmental Services
Solid Waste Programs
Agency Address: Department of Environmental Services
Solid Waste Programs
29 Hazen Drive
PO Box 95
Concord, NH 03302
2. **RSA Authority:** RSA 149-M:7, XVI; RSA 149-R:6
3. **Federal Authority:** N/A
4. **Action(s):** Readopt w/Amendment
5. **Short Title:** Various Solid Waste Management Fund - District Reimbursements
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 with amendment Env-Sw 2201.01 and Part Env-Sw 2203 within Chapter Env-Sw 2200.

Chapter 42, Laws of 2026 (SB 593), amended RSA 149-R:4, II to make New Hampshire solid waste management districts established under RSA 53-B eligible for quarterly reimbursement of the solid waste disposal surcharge. The statute limits district reimbursements to the surcharge paid for waste generated by New Hampshire municipalities within the applicable district. SB 593 also amended RSA 149-R:6, IV and V to authorize rules governing payments to districts and the certified reimbursement submissions required from municipalities and districts. Under the proposed rules, those submissions are made using form NHDES-S-05-033.

The proposed rules implement SB 593 by adding districts to the reimbursement eligibility, request, review, and recordkeeping provisions; defining "district"; and revising

form NHDES-S-05-033. The rules also clarify that the 90-day-to-one-year filing period and the supporting records are tied to the calendar quarter in which the solid waste was disposed, rather than the quarter in which the surcharge was paid.

x Does this rule implement a state statute for the first time?

Yes, Chapter 42, Laws of 2026 (SB 593), amended RSA 149-R:4, II to make New Hampshire solid waste management districts established under RSA 53-B eligible for quarterly reimbursement of the solid waste disposal surcharge and amended RSA 149-R:6, IV and V to authorize rules governing payments to districts and the certified reimbursement submissions required from municipalities and districts.

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

Parties affected by the proposed rule include “disposal facilities”, which the rule defines as a “facility that holds a permit issued pursuant to RSA 149-M for a NH landfill, incinerator, or waste to energy facility”. Additionally, customers of disposal facilities and NH municipalities will be affected by the proposed rule.

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

Rule Sections	Statutes Being Implemented
Env-Sw 2201.01	RSA 149-R:2, III; RSA 149-R:4, II; RSA 149-R:6
Env-Sw 2203	RSA 149-R:4, II; RSA 149-R:6, II, IV & V

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

Name: Aron Johnson	Title: Legal Coordinator
Address: 29 Hazen Drive PO Box 95 Concord, NH 03302	Phone Number: (603) 271-2464
	FAX Number:
	Email: aron.b.johnson@des.nh.gov

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:

Tuesday, November 17, 2026

 Fax

X **Email** nhdesrules@des.nh.gov

X **Other:** [NHDES Administrative Rules Public Comment Form](#)

9. **Public hearing scheduled for:**

Date: Monday, November 9, 2026

Time: 2:00 PM

Place: 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:

Microsoft Teams:

[Join the meeting now](#)

Meeting ID:250 695 474 481 124

Passcode:mG7oD2qZ

Dial in by phone:

[+1 603-931-4944](#) United States, Concord

[Find a local number](#)

Phone conference ID: 989 557 043#

Contact Jeremy Lewis at [603-271-0927](tel:603-271-0927) or via email at Jeremy.M.Lewis@des.nh.gov if you have any questions or technical issues connecting to the hearing.

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

FIS #: 26:216, dated: Friday, September 25, 2026

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in costs 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):

When compared to the existing rules, the proposed rules implement Chapter 42, Laws of 2026 (SB 593) by extending the solid waste disposal surcharge reimbursement procedures to qualifying solid waste management districts and updating the application, documentation, and recordkeeping requirements. The proposed rules also clarify that filing deadlines and supporting documentation are based on the calendar quarter in which the solid waste was disposed. Any fiscal impact resulting from the eligibility of solid waste management districts for reimbursement is attributable to Chapter 42, Laws of 2026, rather than the proposed rules.

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 rules do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures and so do not violate Part I, Article 28-a of the N.H. Constitution.