

Readopt with Amendment Env-Sw 2201.01, effective 7-1-26 (Document #14633), to read as follows:

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 *or New Hampshire solid waste management districts established under RSA 53-B*, pursuant to RSA 149-R:4, II.

Readopt with Amendment Env-Sw 2203, effective 7-1-26 (Document #14633), to read as follows:

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 *or New Hampshire solid waste management districts established under RSA 53-B*, pursuant to RSA 149-R:4, II.

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

(a) ***“District” means a New Hampshire solid waste management district established under RSA 53-B; and***

(b) ***“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 or district to offset a surcharge paid by that municipality or district.***

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 district may request reimbursement from the fund of the surcharge it paid for waste generated by the New Hampshire municipalities within the applicable solid waste district.***

(c) A municipality *or district* 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~~ ***no sooner than 90 days and no later than one year after the end of the calendar quarter in which the solid waste for which reimbursement is requested was disposed.***

(d) ~~The~~ ***For municipalities, the*** reimbursement amount shall not exceed the amount of the surcharge paid by the municipality.

(e) ***For districts, the reimbursement amount shall not exceed the amount of the surcharge paid by the district for waste generated by New Hampshire municipalities within the applicable solid waste district.***

(f) A municipality *or district* seeking reimbursement shall:

(1) Complete and submit form NHDES-S-05-033, “Request for Reimbursement of Solid Waste Disposal Surcharge Paid by Municipality *or District*”, effective July 2026 available at: <https://onlineforms.nh.gov/?FormTag=NHDES-S-05-033>, for each calendar quarter ~~the municipality paid the surcharge~~ ***for which reimbursement is requested***; 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 ***or district*** to make these declarations; and

(2) Submit copies of solid waste invoices ***and documentation of payment that collectively identify, in tons, documenting the amount of solid waste disposed during the calendar quarter for which reimbursement is requested and demonstrate, in tons, and demonstrating the surcharge paid during the calendar quarter for that solid waste.***

(eg) If the department denies a reimbursement request or approves a reimbursement request for less than the requested amount, the municipality ***or district*** 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)~~***(f)***.

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

(c) ***For municipalities, R***eimbursement shall be equal to the amount of surcharge the municipality paid, as demonstrated by the records provided pursuant to Env-Sw 2203.03~~(d)~~***(f)***(2).

(d) ***For districts, reimbursement shall be equal to the amount of the surcharge paid by the district for waste generated by New Hampshire municipalities within the applicable solid waste district, as demonstrated by the records provided pursuant to Env-Sw 2203.03(f)(2).***

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

(ef) 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 ***and districts*** 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.

APPENDIX A: STATE STATUTES IMPLEMENTED

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