

## RULEMAKING NOTICE FORM

Notice Number _____	Rule Number _____	Env-Sw 2100
1. Agency Name & Address:  Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: _____ 3. Federal Authority: _____ 4. Type of Action: Adoption _____ Amendment _____ Repeal _____ Readoption _____ Readoption w/amendment <u>  X  </u>	RSA 141-E:4, XVIII 40 CFR 61; 40 CFR 63

5. Short Title: Asbestos Disposal Sites

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rules, adopted in 2002 as Env-Wm 3900 and redesignated editorially in 2008 as Env-Sw 2100, establish the program for managing asbestos disposal sites not operated after July 9, 1981. The majority of these sites are in Nashua and Hudson, and result from past dumping practices by a former Nashua-based asbestos manufacturing plant. The purpose of the program is to protect public health by minimizing human exposure to asbestos. The rules accomplish this by specifying requirements for covering, monitoring, and maintaining disposal sites; controlling any excavation or other disturbance of asbestos at the disposal sites, including work plan requirements and safe work practices; and specifying requirements for notification and disclosure to ensure that appropriate persons are informed of site conditions.

In 2005, legislation was enacted to transfer the portions of the asbestos control program that had been at DHHS to DES. In 2008, DES consolidated the former DHHS rules into Env-A 1800 from He-P 5000. These rules are proposed to be readopted with amendments that update references to the statute and rules.

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

The rules will affect owners of asbestos disposal sites that have not been operated after July 9, 1981 and anyone who wishes to disturb such sites.

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

Rule Section(s)	State Statute(s) Implemented	Federal Statute(s)/Regulations Implemented
Env-Sw 2100	RSA 141-E:21 - RSA 141-E:24	40 CFR 61; 40 CFR 63

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

Name:	Laura Kieronski	Title:	Program Specialist III
Address:	Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-0675
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The rules also can be viewed in PDF at

<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

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: **Monday, November 30, 2009 at 4:00 p.m.**

Fax

E-mail

Other format (specify):

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9. Public hearing scheduled for:

Date and Time: **Wednesday, November 18, 2009 from 6:00 p.m. to 8:00 p.m.**

Place: **Nashua City Hall - Room 208, Nashua, NH**

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

FIS # 09:189 , dated 10/09/09

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not impose requirements on any political subdivision. The rules thus do not create, modify, or expand any program in such a way as to require political subdivisions to make any expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.