



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES
ROOM 219
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312

November 21, 2024

Robert R. Scott, Commissioner
Department of Environmental Services
29 Hazen Drive
Concord, NH 03302

Re: Preliminary Objection to Final Proposal 2024-74

Dear Commissioner Scott:

At its meeting on November 21, 2024, the Joint Legislative Committee on Administrative Rules (Committee) voted, pursuant to RSA 541-A:13, V(a), to enter a preliminary objection to Final Proposal 2024-74 containing rules Env-Sw 800 of the Department of Environmental Services (Department) relative to landfill requirements. The objection is based on the Committee's determination that the rules are contrary to public interest due to a lack of responsiveness to the public, pursuant to RSA 541-A:13, IV(c) and Committee Rule 403.01(a)(2), and because the rules are designed to benefit the administrative convenience of the agency to the detriment of the public, pursuant to RSA 541-A:13, IV(c) and Committee Rule 403.01(g). The objection is also based on the Committee's determination that the rules are contrary to the legislative intent of RSA 149-M:1, the purpose statement of the statute.

You may respond to the Committee's preliminary objection by amending the rules in Final Proposal 2024-74 to resolve the bases for objection, by withdrawing the rules, or by making no changes. You are required to respond in writing to the Committee's preliminary objection within 45 days of the date on which it was made, which was November 21, 2024. In this instance, the 45th day is Sunday, January 5, 2025. Pursuant to RSA 541-A:16, IV, the deadline will be extended to Monday, January 6, 2025.

After the Committee has received your response, the Committee may take further action ranging from approval of the objection response to voting to support the sponsorship of a joint resolution to address the issues remaining with the proposal. Pursuant to RSA 541-A:13, VII(b), the Committee will have up to 50 days after the end of your response period to take action concerning a joint resolution, although the Committee can take action prior to that date. In this instance the 50th day is Tuesday, February 25, 2025. Please note that there is no deadline by which the Committee must act to approve the rules or to enter final objections, and the Committee may do so even after the adoption of the rules by the Department.

Please be advised that, pursuant to RSA 541-A:14, I, you may not adopt the rules until one of the following has occurred: 1) the expiration of the objection response review period without the Committee having taken action with respect to voting to support the sponsorship of a joint resolution; or 2) the Committee has taken action that is specifically in lieu of voting to support the sponsorship of a joint resolution.

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If you have any questions concerning the provisions in RSA 541-A relative to objections, responses, or adoptions, please contact me at christina.muniz@leg.state.nh.us.

Sincerely,

A handwritten signature in black ink that reads "Christina Rayo Muñiz". The signature is written in a cursive, flowing style.

Christina Muñiz
Sr. Committee Attorney

cc: Tyler Davidson, Enforcement Program Coordinator, Department of Environmental
Services
Thane Joyal, Legal Unit Administrator, Department of Environmental Services