



NEW HAMPSHIRE RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES

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NOTE: POSSIBLE RULE EXTENSION

If the proposed rules contain existing, regular rules being readopted or readopted with amendments, and are not adopted and effective until after the expiration date(s) of the existing rules(s), then the existing rules will nevertheless continue in effect pursuant to RSA 541-A:14-a until the proposed rules are adopted and effective.

2. COMMITTEE (JLCAR)

CONTINUED MEETING: **Friday, June 5, 2015** 9:00 a.m.
Rooms 305/307, Legislative Office Building

REGULAR MEETING: **Friday, June 19, 2015** 9:00 a.m.
Rooms 305/307, Legislative Office Building

JLCAR MEETING DATES AND RELATED FILING DEADLINES JUNE 2015

The JLCAR has voted to hold its regularly scheduled meetings for June, 2015 on the third Friday of the month. The minimum 14-day "deadline" prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Fridays to address items postponed from the prior regular meetings.

**Regular Meeting
Filing Deadline**
June 5

**Regular Meeting
Date**
June 19

**Continued Meeting
Date**
June 26

Notices of Proposed Rules

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
2015-86	Env-Wq 800	Department of Environmental Services Water Quality and Quantity Programs Sludge Management.	1
2015-87	Pari 1000	Racing & Charitable Gaming Commission Bingo.	3
2015-88	Pari 1200	Racing & Charitable Gaming Commission Games of Chance.	5

**JLCAR MEETING DATES AND RELATED FILING DEADLINES
JULY-DECEMBER, 2015**

The JLCAR has voted to hold its regularly scheduled monthly meetings for July through December, 2015 on the third Thursdays listed below. The minimum 14-day “deadline” prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Thursdays to address any items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
July 2	July 16	August 6
August 6	August 20	September 3
September 3	September 17	October 1
October 1	October 15	November 5
November 5	November 19	December 3
December 3	December 17	None

Notice Number	2015-86	Rule Number	Env-Wq 800
1. Agency Name & Address:		2. RSA Authority:	RSA 485-A:6, X-a
		3. Federal Authority:	
NH Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095		4. Type of Action:	
		Adoption	
		Amendment	
		Repeal	
		Readoption	
		Readoption w/amendment	X

5. Short Title: Sludge Management

6. (a) Summary of what the rule says and of any proposed amendments:

Env-Wq 800 implements RSA 485-A:4, XVI-b by establishing standards, criteria, and procedures for a permit system to manage the removal, transportation, and disposal of sludge. The existing rules are scheduled to expire on May 23, 2015, and so are proposed to be readopted to continue the Sludge Management program. **The existing rules will continue in effect pursuant to RSA 541-A:14-a, I, subject to the conditions specified therein.** As part of the readoption, amendments are being proposed to (1) add definitions for terms that are used in the rules and delete definitions of terms that are not used in the rules; (2) move statutory definitions to an appendix so rulemaking will not be required if the definitions change; (3) clarify the existing rules re: who is required to do what and by restructuring long sections into shorter sections; and (4) make substantive changes to the rules based on stakeholder input received over the past year, including but not limited to the following:

- Exempt sludge management activities incidental to the operation of water treatment facilities permitted under RSA 485;
- Include phosphorus as a nutrient of concern and potential limiting factor in agronomic use;
- Conduct public hearings if requested instead of automatically;
- Allow permit renewal applications to be filed before expiration instead of requiring renewal applications to be filed a specified number of days in advance of expiration;
- Eliminate application information, testing, and reporting that have been shown to be unnecessary;
- Base how many samples are required on how much sludge is produced;
- Extend the duration of site permits and facility permits from 5 years to 10 years and add a no-fee renewal process for sludge quality certifications (SQCs); and
- Require reporting of each address where ≥ 20 yd³ of class A biosolids (alone or in mixtures) is delivered.

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

The rules affect any owner or operator of a wastewater treatment plant that generates sludge, a land application site, or a facility that otherwise treats, manages, or disposes of sludge.

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

Rule	State Statute(s) Implemented
Env-Wq 800 (see also specific part listed below)	RSA 485-A:4, XVI-b; RSA 485-A:6, X-a
Env-Wq 811	RSA 541-A:22, IV

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

Name:	Mike Rainey	Title:	Administrator III
Address:	NH Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-2818
		Fax#:	(603) 271-4128
		E-mail:	michael.rainey@des.nh.gov

NN 2015-86 Continued

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: **4:00 p.m. on Friday, July 10, 2015**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, June 30, 2015 at 6:00 PM**

Place: **Auditorium, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 15:078, dated 04/29/15:

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

When compared to the existing rules, the proposed rules will decrease costs to political subdivisions and independently owned businesses by an indeterminable amount, and decrease State general fund revenue by approximately \$2,460 per year.

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):

To the extent a political subdivision or independently owned business generates or manages sludge, the proposed rules will result in an indeterminable reduction in costs. The reduction in costs are the result of eliminating testing for certain compounds; reducing the number of samples required for generators generating less than 1,600 dry tons per year and for small batches; and extending the duration of site and facility permits from 5 to 10 years and adding a no fee renewal process for sludge quality certifications (SQC). Additionally, the proposed rules eliminate certain recordkeeping and reporting requirements thereby easing the burden of compliance for independently owned businesses. The table below provides the proposed change in rule resulting in a cost reduction.

Proposed Change	Cost Reduction
Eliminating initial, on-going testing for pesticides	\$80 per sample
Reducing # of samples required for smaller amounts of sludge	\$1,300 for each sample no longer needed
Extending duration of site permit from 5 years to 10 years	\$300 in each 10-year period for private facilities*
Extending duration of facility permit from 5 years to 10 years	\$1,000 in each 10-year period for private facilities*
No-fee renewal of sludge quality certification	\$1,000 in each 10-year period for private facilities*

*NH public facilities are exempted from the fee.

The extension of the duration of site and facility permits and the addition of a no fee renewal process for SQC will reduce State general fund revenue by approximately \$2,460 per year.

A. To State general or State special funds:

See 3 above.

B. To State citizens and political subdivisions:

See 3 above. No impact on State citizens.

C. To independently owned businesses:

See 3 above.

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

The proposed rules are expected to reduce costs for anyone choosing to manage sludge pursuant to this program, including political subdivisions. The rules thus do not create, modify, or expand any program 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.

Notice Number 2015-87Rule Number Pari 1000

1. Agency Name & Address:

Racing and Charitable Gaming Commission
21 South Fruit St., Suite 16
Concord, NH 03301

2. RSA Authority: RSA 287-E:3

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment X5. Short Title: **Bingo**

6. (a) Summary of what the rule says and of any proposed amendments:

The Bingo rule establishes requirements for the manufacture and distribution of bingo supplies and the operation of bingo games pursuant to RSA 287-E:1 - 15. This rule ensures that Bingo games are fair, honest, secure and auditable, and that the funds raised are dedicated to charitable causes.

The rule is being amended to improve the overall flow and readability, to clarify current requirements, and to incorporate recommendations of the North American Gaming Regulators Association, such as specifications for the use of card-minding device systems. The revision also takes into consideration the recommendations of the White Sands Gaming Report to the New Hampshire Gaming Regulatory Oversight Authority (November 15, 2013), including the requirement for house rules to be reviewed and approved by the Commission, and for minimum internal control standards to be in place for all money handling activities.

Most of the existing rules in Pari 1000 are interim rules which are scheduled to expire on August 25, 2015.

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

These rules directly affect Bingo licensees, including manufactures and distributors of bingo supplies, commercial bingo halls, and the charitable organizations who conduct bingo games.

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

Rule	Specific State Statute the Rule Implements
Pari 1001	RSA 287-E:3, XIV
Pari 1002	RSA 287-E:3, XIV
Pari 1003	RSA 287-E:3, I- II-a, and IX; RSA 287-E:4, I; RSA 287-E:5
Pari 1004	RSA 287-E:3, I- IV, and IX; RSA 287-E:4, I; RSA 287-E:5
Pari 1005	RSA 287-E:3, V, XII and XIV
Pari 1006	RSA 287-E:3, V, VII, and XII-XIV
Pari 1007	RSA 287-E:3, XII and XIV
Pari 1008	RSA 287-E:3, V, XII and XIV
Pari 1009	RSA 287-E:3, XII and XIV
Pari 1010	RSA 287-E:3, XIV

NN 2015-87 Continued

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

Name: **Valerie King** Title: **Procedures Administrator**
Address: **21 So. Fruit St., Ste. 16** Phone #: **603-271-7613**
Concord, NH 03301 Fax#: **603-271-3381**
E-mail: **Valerie.King@racing.nh.gov**

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: **By 4PM on June 29, 2015**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **June 29, 2015 at 10AM**

Place: **21 South Fruit Street (Room 100), Concord, NH 03301**

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

FIS # 15:088, dated May 14, 2015

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

There is no difference in cost 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):**

- 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 proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the NH Constitution.

Notice Number 2015-88

Rule Number Pari 1200

1. Agency Name & Address:

Racing and Charitable Gaming Commission
21 South Fruit St., Suite 16
Concord, NH 03301

2. RSA Authority: RSA 287-D:1-b
 3. Federal Authority: _____
 4. Type of Action:
 Adoption _____
 Amendment _____
 Repeal _____
 Readoption _____
 Readoption w/amendment X

5. Short Title: **Games of Chance**

6. (a) Summary of what the rule says and of any proposed amendments:
The Games of Chance rule establishes requirements for the operation of charitable games of chance pursuant to RSA 287-D. This rule ensures that Games of Chance are fair, honest, secure and auditable, and that the funds raised are dedicated to charitable causes. Most of the existing rules in Pari 1200 are interim rules which are scheduled to expire on August 25, 2015.

This rulemaking addresses the changes HB1630 (Chapter 329 of the Law of 2014) made to RSA 287-D, which take effect on July 1, 2015. This bill implemented new license requirements for Game Operator Employers, added a requirement for the AGs office to perform background investigations on Game Operator Employer and Facility applicants, and amended the expiration dates for some licensees. The amended rule also incorporates recommendations noted in the White Sands Gaming Report to the New Hampshire Gaming Regulatory Oversight Authority (November 15, 2013), including the requirement for house rules to be reviewed and approved by the Commission, and for minimum internal control standards to be in place for all money handling activities.

6. (b) Brief description of the groups affected:
These rules directly affect Bingo licensees, including manufactures and distributors of bingo supplies, commercial bingo halls, and the charitable organizations who conduct bingo games.

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

Rule	Specific State Statute the Rule Implements
Pari 1201	RSA 287-D:3, XVII
Pari 1202	RSA 287-D: 3, XVII
Pari 1203	RSA 287-D:3, I-IV, X, XIII, XIV; RSA 287-D:5-10; RSA 287-D:13
Pari 1204	RSA 287-D:X; RSA 287-D:11-12
Pari 1205	RSA 287-D:3, I-IV, X, XIII, XIV; RSA 287-D:5-10
Pari 1206	RSA 287-D: 3, VI and VIII; RSA 287-D:6, IV; RSA 287-D:14; RSA 287-D:19
Pari 1207	RSA 287-D: 3, VI & VIII; RSA 287-D:6, IV; RSA 287-D:9; RSA 287-D:14-16 & 18
Pari 1208	RSA 287-D:3, VIII; RSA 287-D:22
Pari 1209	RSA 287-D:20
Pari 1210	RSA 287-D: 3, IX and XII; RSA 287-D:23
Pari 1211	RSA 287-D:3, XVII

NN 2015-88 Continued

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

Name: **Valerie King** Title: **Procedures Administrator**
Address: **21 So. Fruit St., Ste. 16** Phone #: **603-271-7613**
Concord, NH 03301 Fax#: **603-271-3381**
E-mail: **Valerie.King@racing.nh.gov**

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: **By 4PM on June 29, 2015**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **June 29, 2015 at 10AM**

Place: **21 South Fruit Street (Room 100), Concord, NH 03301**

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

FIS # 15:089, dated May 14, 2015

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

There is no difference in cost when comparing the proposed rule 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):

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 proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the NH Constitution.