

State of New Hampshire
Site Evaluation Committee

Martin P. Honigberg, Esquire
Chairman

Thomas S. Burack, Esquire
Vice-Chair

Pamela G. Monroe
SEC Administrator

<http://www.nhsec.nh.gov>
21 South Fruit St., Suite 10
Concord, New Hampshire
03301-2429
Telephone (603) 271-2435
Fax (603) 271-3878



January 25, 2016

Scott F. Eaton, Director
Office of Legislative Services
Division of Administrative Rules
State House Annex, Room 219
25 Capitol Street
Concord, NH 03301

Re: Rules Related to Certificates of Site and Facility, Site 300

Dear Mr. Eaton:

Enclosed for filing with your office please find an Appendix II-A, Request for Advance Public Comment on Subject Matter of Possible Rulemaking, regarding amendments to Chapter Site 300, *Certificates of Site and Facility*. Please include this notice in the next available issue of the Rulemaking Register.

Thank you for your attention to this matter. Please feel free to contact Pamela Monroe, Administrator at Pamela.monroe@sec.nh.gov or 271-2435 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Honigberg".

Martin P. Honigberg
Chairman
Site Evaluation Committee

Enclosure

cc: Thomas Burack, Vice Chairman
Pamela Monroe, Administrator

REQUEST FOR ADVANCE PUBLIC COMMENT ON SUBJECT
MATTER OF POSSIBLE RULEMAKING

Rule Number Site 300

<p>1. Agency Name & Address:</p> <p>Site Evaluation Committee Pamela G. Monroe, Administrator 21 South Fruit Street, Suite 10 Concord, NH 03301-2429</p>	<p>2. RSA Authority: <u>RSA 162-H:10-b, II</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption <u>X</u></p> <p>Amendment <u>X</u></p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Site 300, Certificates of Site and Facility**

IN ACCORDANCE WITH RSA 541-A:11, VIII THIS AGENCY IS SOLICITING PUBLIC COMMENT ON A SUBJECT MATTER OF POSSIBLE RULEMAKING UNDER ACTIVE CONSIDERATION PRIOR TO FORMALLY PROPOSING RULES IN THE RULEMAKING PROCESS. WHERE, WHEN, AND HOW PERSONS MAY PROVIDE COMMENT ARE INDICATED BELOW.

6. (a) Summary of the subject matter, or summary of the rule if drafted, and the effect on those regulated:

Chapter 264, Laws of N.H. 2015, codified as RSA 162-H:10-b, II, effective July 20, 2015, requires the Site Evaluation Committee to adopt rules relative to the siting of high pressure gas pipelines. Many of the rules that would affect the siting of high pressure gas pipelines were the subject of a 22-month rulemaking process that ended in December 2015.

In February 2014, the Site Evaluation Committee opened a docket and commenced a rulemaking process that resulted in extensive amendments to Chapters Site 100-300. The process afforded the public and interested parties opportunities to submit comments and attend hearings on multiple occasions. At the end of that extensive process, the Site Evaluation Committee readopted with amendment Site 100-300, effective December 16, 2015.

The Administrator of the Committee has reviewed the recently adopted rules and determined that there are areas specified in RSA 162-H:10-b, II, that are not fully addressed.

In particular, the Committee is seeking input on specific rules language to adopt, amend, or readopt with amendments, Site 300, regarding the following provisions related to the siting of high pressure gas pipelines: appropriate setbacks to mitigate potential health and safety impacts; pipeline decommissioning plan requirements; specific criteria to maintain property owners' ability to use and enjoy their property; project-related sound and vibration impact assessments; and application requirements to ensure quality construction that minimizes safety issues.

In addition, on December 15, 2015, the Committee voted unanimously to grant the rulemaking petition received from the Joint Legislative Committee on Administrative Rules to adopt more comprehensive rules in Site 302, relative to criteria and procedures for the suspension and revocation of certificates. The Committee is also seeking input to address the issues specified in this rulemaking petition.

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The Committee seeks input in the form of proposed specific rules language from a diverse group of stakeholders, including project developers, environmental advocates, regional organizations, municipal governments, and citizens groups. This input is expected to be helpful to the Committee in developing an initial proposal. Submissions by electronic mail are strongly preferred.

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

The rules regarding natural gas pipelines will affect applicants for Site Evaluation Committee approval of such pipelines. Those rules will also affect interveners and other public participants in matters related to proposed natural gas pipelines, including host municipalities, abutting landowners, and other local and regional stakeholders. The rules regarding suspension and revocation affect all projects within the jurisdiction of the Site Evaluation Committee.

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

Name:	Pamela G. Monroe	Title:	Administrator
Address:	N.H. Site Evaluation Committee 21 South Fruit Street, Suite 10 Concord, NH 03301	Phone #:	603-271-2435
		Fax#:	603-271-3878
		E-mail:	rulemaking@sec.nh.gov
		TTY/TDD Access:	Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of comment in writing or, if practicable for the agency, in the electronic format specified: **February 29, 2016**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for: **No public hearing is currently scheduled.**

Date and Time:

Place: