

HB 1305 – Side by side comparison of original bill text and proposed bill text

Bill text pertaining to definitions

Original Bill Text	Proposed Bill Text
<p>New Paragraph; Definitions; High Quality Water. Amend RSA 485-A:2 by inserting after paragraph V the following new paragraph: V-a. “High quality water” means a surface water of the state whose water quality exceeds any criterion or criteria for support of existing uses and the uses assigned to the class, or whose qualities and characteristics support a high quality or exemplary natural community of aquatic organisms.</p> <p>New Paragraph; Definitions; Outstanding Resource Water. Amend RSA 485-A:2 by inserting after paragraph VIII the following new paragraph: VIII-a. “Outstanding resource water” means a surface water of the state that has exceptional recreational or ecological significance, including, but not limited to, surface waters that are wholly or partially in a national forest, state park, or wildlife refuge.</p> <p>Definitions; Surface Waters of the State. Amend RSA 485-A:2, XIV to read as follows: XIV. “Surface waters of the state” means perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, <i>swamps, bogs, other wetlands</i>, water courses, and other bodies of water, natural or artificial.</p>	<p>Definitions; Surface Waters. Amend RSA 485-A:2, XIV to read as follows: XIV. “Surface waters” means fresh waters and tidal waters, including wetlands with standing or flowing water.</p> <p>New Paragraphs. Amend RSA 485-A:2 by inserting after paragraph XIV the following new paragraphs: XIV-a. “Fresh waters” means wherever fresh water flows or stands, excluding groundwater. XIV-b. “Tidal waters” means wherever the tide ebbs and flows. XIV-c. “Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and are waters of the United States under the federal Clean Water Act. XIV-d. “Waters of the state” or “waters” means tidal waters, fresh waters, and wetlands. XIV-e. “Water Standards” means the combination of designated beneficial uses, criteria to support the uses, and antidegradation provisions contained in this chapter and rules adopted pursuant to this chapter that are applicable to waters of the state. XIV-f. “Waterbody” means a surface water or wetland or any portion of a surface water or wetland identified separately for assessment of designated beneficial use support.</p> <p>[Note: all of the surface water definitions have been kept together in the proposed text, regardless of alphabetical order, for convenience.]</p>

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Bill text pertaining to designated uses

Original Bill Text	Proposed Bill Text (<i>Session Law, not changes to RSAs</i>)
<p>Standards for Classification of Surface Waters of the State. Amend the introductory paragraph of RSA 485-A:8 to read as follows: 485-A:8 Standards for Classification of Surface Waters of the State. It shall be the overall goal that all surface waters attain and maintain specified standards of water quality to [achieve] support the [purposes of the legislative classification] beneficial uses designated in RSA 485-A:9-a, I. For purposes of classification there shall be 2 classes or grades of surface waters as follows:</p> <p>New Sections; Designated Beneficial Uses; Antidegradation Requirements. Amend RSA 485-A by inserting after section 9 the following new sections: 485-A:9-a Designated Beneficial Uses. The following beneficial uses shall apply to all classes of surface waters:</p> <p>I. Support of aquatic life, including a balanced, integrated, and adaptive community of organisms having a species composition, diversity, and functional organization comparable to that of similar natural habitats of the region;</p> <p>II. Recreation in and on the water, including, where applicable, swimming, wading, boating of all types, fishing, surfing, and similar activities;</p> <p>III. Fish and shellfish for consumption;</p> <p>IV. Drinking water supply after adequate treatment;</p> <p>V. Water-oriented wildlife, including, but not limited to, waterfowl, shore birds, beaver, mink, moose, and otter;</p> <p>VI. Geomorphic integrity, including suitable physical conditions in surface waters, adjacent shorelands, and riparian zones to provide floodwater attenuation and storage and maintain natural processes of erosion and sedimentation.</p>	<p>Findings. The general court finds that administration of water quality standards and the classification of waters, including assignment of designated uses for waters of the state, establishment of narrative and numeric criteria that support those uses, and an antidegradation policy, are important to the management and protection of New Hampshire’s waters. It is in the interests of the state to do a comprehensive review of water quality standards, including the statutory process for classification of waters under RSA 485-A:8-12, and the related Surface Water Quality Regulations (Env-Wq 1700) adopted by the Department of Environmental Services.</p> <p>Report required; Review of water quality standards.</p> <p>I. (a) The commissioner of the department of environmental services shall conduct a comprehensive review of water quality standards and shall present a report, together with any proposed legislation, to the governor, the president of the senate, and the speaker of the house not later than September 30, 2011.</p> <p>(b) The report shall:</p> <ol style="list-style-type: none"> (1) Include a brief history of water quality standards in New Hampshire, including the classification history and current classifications for state waters. (2) Describe the current water quality standards, including statutes, rules, and administrative practices of the department. (3) Describe the state responsibilities and requirements for water quality standards under the federal Clean Water Act, including a report of consultations with EPA Region 1. (4) Summarize representative water quality standards of other states. (5) Include recommendations for proposed legislation to make water quality standards work better as a tool for managing and protecting New Hampshire’s, and to better fulfill the state responsibilities under the Clean Water Act. <p>(c) The commissioner may solicit the input and advice of diverse stakeholders in preparing the report, including consultations with the department’s ad hoc Water Quality Standards Advisory Committee.</p>

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Bill text pertaining to antidegradation

Original Bill Text	Proposed Bill Text
<p>New Sections; Designated Beneficial Uses; Antidegradation Requirements. Amend RSA 485-A by inserting after section 9 the following new sections:</p> <p>485-A:9-b Antidegradation Requirements. In order to implement the antidegradation provisions of the federal Clean Water Act as required under 40 CFR section 131.12, the following shall apply:</p> <p>I. Existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected.</p> <p>II. The water quality of high quality waters shall be maintained and protected unless the department finds, after full public participation, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the department shall impose such limitations or conditions on the activity as are necessary to ensure water quality adequate to protect existing uses fully.</p> <p>III. The water quality of outstanding resource waters shall be maintained and protected.</p> <p>IV. In those cases where a potential water quality impairment is associated with a thermal discharge, the requirements of section 316 of the federal Clean Water Act shall be met.</p> <p>V. The department shall impose such limitations or conditions on all new and existing point sources as are necessary to ensure that the highest statutory and regulatory requirements are achieved, and shall require the implementation of all cost effective and reasonable best management practices for nonpoint source control.</p> <p>6 Effective Date. This act shall take effect upon its passage.</p>	<p>New Section; Antidegradation Requirements. Amend RSA 485-A by inserting after section 9 the following new sections:</p> <p>485-A:9-a Antidegradation Requirements. The department shall adopt rules that implement the antidegradation provisions of the federal Clean Water Act as required under 40 CFR section 131.12.</p>

HB 1348 – Side by side comparison of original bill text and proposed bill text

Bill text pertaining to enforcement

Original Bill Text	Proposed Bill Text
<p>I Water Pollution and Waste Disposal; Enforcement of Classification. Amend RSA 485-A:12, I and II to read as follows:</p> <p>I. After adoption of a given classification for a stream, lake, pond, tidal water, or section of such surface water, the department shall enforce such classification by appropriate action in the courts of the state, and it shall be unlawful for any person or persons to dispose of:</p> <p>(a) Discharge any sewage, industrial, or other wastes, either alone or in conjunction with any other person or persons, in such a manner as will lower the quality of the waters of the stream, lake, pond, tidal water, or section of such surface water below the minimum requirements of the adopted classification[-]; or</p> <p>(b) Cause, allow, or contribute to any other activity that lowers the quality of the surface water below the minimum requirements of the adopted classification, including but not limited to diversion of water, removing trees or other riparian vegetation so as to alter water temperature, or increase the potential for stormwater run-off.</p> <p>I-a. If the department shall set a time limit under paragraph II for abatement of pollution under or for cessation or modification of an activity that is prohibited by paragraph [H] I, and it becomes apparent at any time during the compliance period that full compliance with the adopted classification will not be attained by the end of such period due to the failure of any person to take action reasonably calculated to secure abatement of abate the pollution or to cease or modify the activity within the time specified, the department shall notify such person or persons in writing. If such person or persons shall fail or neglect to take appropriate steps to comply with the classification requirements within a period of 30 days after such notice, the department shall seek appropriate action in the courts of the state.</p> <p>II. If, after adoption of a classification of any stream, lake, pond, or tidal water, or section of such surface water, including those classified by RSA 485-A:11, it is found the department finds that there is a source or sources of pollution, or any other activity is occurring, which lower lowers the quality of the waters in question below the minimum requirements of the classification so established, the person or persons responsible for the discharging discharge of such pollution or for causing, allowing, or contributing to the activity shall be required to abate such pollution or cease or modify the activity within a time to be fixed by the department. If such pollution is of municipal or industrial origin, the time limit set by the department for such abatement shall be not less than 2 years nor more than 5 years unless the discharge can reasonably be abated in less than 2 years. For good cause shown, the department may from time to time extend any time limit established under this paragraph. Any determination by the department under this paragraph shall be subject to appeal as provided for in RSA 485-A:19.</p>	<p>None: Inexpedient to legislate</p>