

RULEMAKING NOTICE

Notice Number _____	Rule Number _____	Env-Dw 1200
<p>1. Agency Name & Address:</p> <p>Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095</p>	<p>2. RSA Authority:</p> <p>3. Federal Authority:</p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption _____</p> <p style="padding-left: 20px;">Amendment _____</p> <p style="padding-left: 20px;">Repeal _____</p> <p style="padding-left: 20px;">Readoption X</p> <p style="padding-left: 20px;">Readoption w/amendment X</p>	<p style="text-align: center;">RSA 485:41, IX</p> <hr/> <p style="text-align: center;">n/a</p> <hr/>

5. Short Title: **Privately Owned Redistribution Systems**

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

The existing rules implement the amendments to RSA 485 enacted by Laws of 2008, 279:1-9 (eff. July 1, 2009), which require the Department to oversee the construction, operation, and maintenance of privately owned water redistribution systems (PORS). PORS are systems that (1) obtain all of their water from, but are not owned or operated by, a public water system; (2) serve a population of at least 25 people, 10 household units, or 15 service connections, whichever is fewest, for at least 60 days per year; and (3) have exterior pumping or storage facilities that are not part of building plumbing. The rules in Env-Dw 1201-1209 are scheduled to expire on February 24, 2018, and Env-Dw 1210 is scheduled to expire on July 30, 2018; the entire chapter is proposed to be readopted to continue the program as directed by the Legislature. **Env-Dw 1201-1209 will continue in effect pursuant to RSA 541-A:14-a, I, subject to the conditions stated therein. If this rulemaking extends beyond July 30, 2018, then existing Env-Dw 1210 also will continue in effect pursuant to RSA 541-A:14-a, I, subject to the conditions stated therein.** As part of the readoption, amendments are proposed that would (1) adjust definitions to reflect Env-Dw 103; (2) clarify existing requirements and update cross-references; and (3) replace the term “owner” with “O/O” throughout Env-Dw 1200 to reflect the change in terminology required by EPA.

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

The rules apply to any individual or legal entity that owns or operates a privately owned water redistribution system.

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

Rule Section(s)	State Statute(s) Implemented
Env-Dw 1200 (see additional statutes for specific parts/sections below)	RSA 485:1; RSA 485:41, I, III, V, & IX
Env-Dw 1202	RSA 485:1-a
Env-Dw 1203.02; Env-Dw 1204.02	RSA 485:8, I & II
Env-Dw 1210.01	RSA 485:4, III

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

Name: Holly Green	Title: DWGB Rules Coordinator
Address: Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #: (603) 271-3114 Fax#: (603) 271-0656 E-mail: Holly.Green@des.nh.gov

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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: **4:00 p.m. on Friday, April 6, 2018**

YOU MAY SUBMIT WRITTEN COMMENTS WITHOUT ATTENDING THE PUBLIC HEARING

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, March 29, 2018 at 10:00 AM**

Place: **Room 110, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 18:014, dated 02/02/18:

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:

By definition, a political subdivision cannot own or operate a privately owned redistribution system. Thus, even if the rules did impose any costs, they still do not create, modify, or expand a 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.