

## RULEMAKING NOTICE

Notice Number _____	Rule Number _____	<b>Env-Dw 710-713</b>
1. Agency Name & Address:  Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority:  3. Federal Authority:  4. Type of Action:	RSA 485:2, V; RSA 485:41, II 42 U.S.C. 300f; 40 CFR 141, Subpart F (§§50-55); 40 CFR 141, Subpart G (§§60-66)  Adoption <span style="float: right;"><u>    <b>X</b>    </u></span> Amendment <span style="float: right;"><u>                    </u></span> Repeal <span style="float: right;"><u>                    </u></span> Readoption <span style="float: right;"><u>    <b>X</b>    </u></span> Readoption w/amendment <span style="float: right;"><u>    <b>X</b>    </u></span>

5. Short Title: **Public Water Systems: Monitoring and Compliance Requirements**

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

The existing rules in Env-Dw 700 reflect federal requirements that apply to public water systems (PWS). Because the rules are in place, the State has primacy to implement the federal safe drinking water program.

Env-Dw 710-713 establish requirements for monitoring by PWS of radionuclides, inorganic chemicals, organics [including volatile organic chemicals (VOCs) and synthetic organic chemicals (SOCs)], and regulated secondary MCLs (“secondaries”). Most of the rules are scheduled to expire on May 1, 2018 and so are proposed to be readopted in order to retain primacy. **The existing rules will remain in effect until new rules are in effect pursuant to RSA 541-A:14-a, I, subject to the conditions therein.** As part of the readoption, amendments are proposed to clarify the rules, realign them with the federal requirements [Env-Dw 711.04(f)], and clarify the process and criteria for VOC and SOC waivers [currently Env-Dw 712.19, to be split into Env-Dw 712.01 (definitions) and Env-Dw 712.20-712.22]. The proposed amendments also update cross-references and replace “owner” with “O/O” throughout Env-Dw 710-713 to reflect the change in terminology required by EPA.

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

The rules affect owners and operators of public water systems.

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	Federal Regulation(s) Implemented
Env-Dw 710.01	RSA 485:3, I	40 CFR 141.26
Env-Dw 710.02	RSA 485:3, I	40 CFR 141.66
Env-Dw 710.03 - 710.11	RSA 485:3, I; RSA 485:41, I & IV	40 CFR 141.26
Env-Dw 710.12	RSA 485:41, II	40 CFR 141 Subpart C, Appendix A; 40 CFR 142 & 143
Env-Dw 711.01 - 711.07	RSA 485:3, I(c)	40 CFR 141.23(a); 40 CFR 142 & 143
Env-Dw 711.08	RSA 485:41, IV	40 CFR 141.31
Env-Dw 711.09 - 711.15	RSA 485:3, I(c)	40 CFR 141.23(b)
Env-Dw 711.16	RSA 485:41, IV	40 CFR 141
Env-Dw 711.17	RSA 485:3, I	40 CFR 141.23(b)
Env-Dw 711.18 - 711.22	RSA 485:3, I	40 CFR 141.23; 40 CFR 142 & 143
Env-Dw 711.23	RSA 485:41, IV	40 CFR 141.31
Env-Dw 711.24 - 711.28	RSA 483:3, I	40 CFR 141.23
Env-Dw 711.29	RSA 485:41, IV	40 CFR 141.31
Env-Dw 712.01 - 712.03	RSA 485:3, I	40 CFR 141.40
Env-Dw 712.04	RSA 485:3; RSA 485:41	40 CFR 141.24

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<b>Rule Section(s)</b>	<b>State Statute(s) Implemented</b>	<b>Federal Regulation(s) Implemented</b>
Env-Dw 712.05	RSA 485:3, I	
Env-Dw 712.06	RSA 485:3, I	40 CFR 141.24 (f)
Env-Dw 712.07 - 712.08	RSA 485:3, I	40 CFR 14.23 (k)
Env-Dw 712.09	RSA 485:41, IV	40 CFR 141.23
Env-Dw 712.10 - 712.11	RSA 485:3, I	40 CFR 141.24 (f)
Env-Dw 712.12 - 712.14	RSA 485:3, I	
Env-Dw 712.15	RSA 485:41, IV	40 CFR 141.31
Env-Dw 712.16 - 712.17	RSA 485:3, I	
Env-Dw 712.18	RSA 485:3, I(c)	40 CFR 141.132
Env-Dw 712.19	RSA 485:3, I	40 CFR 141.30
Env-Dw 712.20 - 712.22	RSA 485:3, I	40 CFR 141.24(e)(6); 40 CFR 141.30
Env-Dw 713.01 - 713.05	RSA 485:3, II	40 CFR 143.4
Env-Dw 713.06	RSA 485:3, I(c)	
Env-Dw 713.07	RSA 485:41, IV	40 CFR 141.31
Env-Dw 713.08	RSA 485:3, II	

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 Phone #: (603) 271-3114  
 29 Hazen Drive; P.O. Box 95 Fax#: (603) 271-0656  
 Concord, NH 03302-0095 E-mail: [Holly.Green@des.nh.gov](mailto:Holly.Green@des.nh.gov)

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, June 15, 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: **Tuesday, June 5, 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 # 18:080 , dated 4/24/2018:

**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:**

RSA 485:1, I and the 1996 amendments to the federal Safe Drinking Water Act, as reflected in 40 CFR 141, require a state to adopt standards that are as least as stringent as the federal Safe Drinking Water Act. The rules in Env-Dw 710-713 are needed for the State to continue to demonstrate equivalency so the State can implement the program in lieu of the US Environmental Protection Agency (EPA). The State receives approximately \$8 million annually in federal funds to implement the Safe Drinking Water Act programs, which would be at risk if the State did not have primacy.

**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 rules reflect federal requirements that would apply whether or not the Department adopted the rules. The proposed rules thus do not create, modify, or expand a program in such a way as to require political subdivisions to make additional expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.