

## RULEMAKING NOTICE

Notice Number _____	Rule Number _____	<b>Env-Dw 718-719</b>
<p>1. Agency Name &amp; 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>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <b>X</b></p>	<p>RSA 485:2, V; RSA 485:41, IV 42 U.S.C. 300f; 40 CFR 141.31;</p> <p>40 CFR 141.33</p>

5. Short Title: **Public Water Systems: Recordkeeping and Reporting**

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 718 establishes requirements for maintaining records and allowing the public to review them. This part is not scheduled to expire until 2024, but the Department is proposing to readopt it at this time with amendments to replace “owner” with “O/O” to reflect the change in terminology required by EPA. Amendments also are proposed to consolidate the requirement for PWS to produce records to the Department (currently in Env-Dw 719), and to clarify that a third-party laboratory analyzing required samples for a PWS is also obligated to produce records relating to the samples and analyses to the Department.

Env-Dw 719 establishes requirements, including timeframes, for PWS to report analytical results to the Department. This part is scheduled to expire on May 1, 2018, and so is 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 (1) ensure equivalency with the federal rules and update cross-references; (2) restructure the part to clarify existing requirements; (3) replace “owner” with “O/O” to reflect the change in terminology required by EPA; and (4) require water quality monitoring results to be reported using the new electronic Compliance Monitoring Data Portal (CMDP) created and maintained by EPA, which will allow the Department to transition into the EPA State Drinking Water Information System database.

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 718	RSA 485:41, IV	40 CFR 141 Subpart D
Env-Dw 719	RSA 485:41, IV	40 CFR 141.31

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: <a href="mailto:Holly.Green@des.nh.gov">Holly.Green@des.nh.gov</a>

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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, 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 # 18:081 , 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 718-719 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.