

## RULEMAKING NOTICE

Notice Number <u>2018-104</u>	Rule Number <u>Env-Dw 800</u>
1. Agency Name & Address:  Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: <u>RSA 485:41, IV</u> 3. Federal Authority: <u>40 CFR 141</u> 4. Type of Action: Adoption _____ Amendment _____ Repeal _____ Readoption <u>X</u> Readoption w/amendment <u>X</u>

5. Short Title: **Public Notification by Public Water Systems**

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

The existing rules in Env-Dw 800 implement the public notice requirements of the State’s public drinking water program to be equivalent to the federal program established in 40 CFR 141, promulgated by EPA under the Federal Safe Drinking Water Act (SDWA), as required by RSA 485:1, I.

Most of the rules in Env-Dw 800 are scheduled to expire on June 30, 2018, and so the entire chapter is proposed to be readopted in order to retain primacy. **The existing rules will remain in effect pursuant to RSA 541-A:14-a, I, subject to the conditions therein.** As part of the readoption, amendments are being proposed to (1) ensure equivalency with the federal requirements; (2) clarify existing requirements and update cross-references; and (3) replace the term “owner” with “O/O” to reflect the change in terminology required by EPA.

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

The rules directly affect owners and operators of public water systems and indirectly affect those served by 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 Requirements Implemented
Env-Dw 801 - 803	RSA 485:2, V; RSA 485:3, I	40 CFR 141.31; 40 CFR 141, Subpart Q
Env-Dw 802	RSA 485:2, V; RSA 485:3, I	40 CFR 141.31; 40 CFR 141 Subpart Q
Env-Dw 804.01, 804.02, 804.04	RSA 485:2, V; RSA 485:3, I	40 CFR 141.205(d); Appendix B to 40 CFR 141 Subpart Q
Env-Dw 804.03	RSA 485:2, V; RSA 485:3, I & VII	40 CFR 141.205(d); Appendix B to 40 CFR 141 Subpart Q
Env-Dw 804.05	RSA 485:2, V; RSA 485:3, I	
Env-Dw 805 - 810	RSA 485:2, V; RSA 485:3, I & VII	40 CFR 141.205(d); Appendix B to 40 CFR 141, Subpart Q
Env-Dw 811	RSA 485:2, V; RSA 485:3, I, III(b)	40 CFR 141.141, Subparts O and Q

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, July 20, 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, July 12, 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 # 18:113, dated 05/29/18:

**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:**

The federal Safe Drinking Water Act as reflected in 40 CFR 141, requires the state to adopt standards that are at least as stringent as the federal Safe Drinking Water Act. The revisions to these rules are needed in order for the State to demonstrate equivalency so that the Department can retain primacy to implement the Act in New Hampshire. Failure to adopt the rules could result in the loss of up to \$8 million in federal grant funding for the Department's drinking water programs.

**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 requirements are the same as the federal requirements to which public water systems are subject regardless of whether New Hampshire adopts the rules. The rules thus do not create, modify, or expand any 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.