

RULEMAKING NOTICE

Notice Number _____	Rule Number _____	Env-Wq 403
<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 _____</p> <p style="padding-left: 20px;">Readoption w/amendment _____</p>	<p style="text-align: center;">RSA 485-C:4, XII</p> <hr/> <p style="text-align: center;">n/a</p> <hr/> <p style="text-align: center;">X</p>

5. Short Title: **Large Groundwater Withdrawals**

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

RSA 485-C:21 requires approval to be obtained from the Department prior to withdrawing more than a total of 57,600 gallons of water in any 24-hour period from a well or wells sited at a single property or place of business. The statute specifies some of the specific information that must be submitted with the application and establishes (1) requirements for notifying municipalities and other interested persons, (2) requirements for public hearings, (3) the criteria the Department must consider in making a decision on the application, and (4) what adverse impacts will not be allowed.

The existing rules, Env-Wq 403, implement RSA 485-C:21 by identifying the additional information required for an application so that the Department can make the required determinations. The focus of the rules is to ensure that large groundwater withdrawals do not adversely impact water users or resources that are influenced by the withdrawals. The existing rules also establish requirements for long-term monitoring associated with a withdrawal permit, to ensure that a large groundwater withdrawal, once operational, does not cause any adverse impacts that were unforeseen.

The rules are scheduled to expire on October 17, 2017, and so are proposed to be readopted to ensure the continued protection of groundwater resources. **The existing rules will continue in effect pursuant to RSA 541-A:14-a, I, subject to the conditions specified therein.** As part of the readoption, amendments are proposed to (1) clarify existing requirements and update cross-references; (2) require each application, report, or request filed under the rules to be signed and certified; and (3) allow renewal applications to be filed not more than 6 months prior to the expiration date.

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

The rules will affect persons wishing to obtain a permit for a large groundwater withdrawal and anyone else interested in the process.

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-Wq 403 (see also specific sections below)	RSA 485:3, XIII; RSA 485-C:21; RSA 485-C:22
Env-Wq 403.37	RSA 541-A:22, IV
Env-Wq 403.38	RSA 541-A:16, I(b)

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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

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, November 17, 2017**

YOU MAY SUBMIT WRITTEN COMMENTS WITHOUT ATTENDING THE PUBLIC HEARING

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, November 8, 2017 at 2:00 PM**

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

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 17:140 , dated 09/27/2017:

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. Not applicable to Env-Wq 403.03 and Env-Wq 403.07 as these are new 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:

Because all costs are attributable to the statute, the rules do not create, modify, or expand a program in such a way as to require action that causes political subdivisions to incur costs. The rules thus do not violate Part I, Article 28-a of the New Hampshire Constitution.