

New Hampshire Department of Environmental Services

**RESPONSE TO PUBLIC COMMENT
ON DIFFERENCES BETWEEN THE DRAFT AND FINAL
2012 SECTION 303 (D) SURFACE WATER QUALITY REPORT**

February 12th, 2013

On April 20, 2012, the New Hampshire Department of Environmental Services (DES) released the 'Draft' Section 303(d) List of impaired waters for public comment. On November 18, 2013 DES solicited public comment on portions of the July 19, 2013 'Final' which differed from the April 20, 2012 'Draft' 303(d) (attachment 1). Downloadable copies of the 'Final' list and list of substantive differences April 20, 2012 'Draft' and July 19, 2013 'Final' 2012 303(d) list were made available on the DES website for review (<http://des.nh.gov/organization/divisions/water/wmb/swqa/index.htm>). Comments on those changes were due by December 20, 2013. In addition to the web posting the following organizations/agencies were notified by email:

Appalachian Mountain Club	NH Coastal Program
Audubon Society	NH Rivers Council
Center for Biological Diversity	North Country Council
Connecticut River Joint Commissions	Regional Planning Commissions
Conservation Law Foundation	Society for the Protection of National Forests
County Conservation Districts	Natural Resources Conservation Service
DPW Directors of the MS4 Communities	The Nature Conservancy
Great Bay Municipal Coalition	Upper Merrimack River Local Advisory Committee
Lake and River Local Management Advisory Committees	US Environmental Protection Agency
Maine Department of Environmental Protection	US Geological Survey
Manchester Conservation Commission	US Fish and Wildlife Service
Massachusetts Department of Environmental Protection	US Forest Service
Merrimack River Watershed Council	University of New Hampshire
National Park Service	Vermont Department of Environmental Conservation
New England Interstate Water Pollution Control Commission	Volunteer Lakes Assessment Program
NH Department of Health and Human Services	Volunteer Rivers Assessment Program
	Water Quality Standards Advisory Committee

No comments were received on the changes from the April 20, 2012 'Draft' to July 19, 2013 'Final' 2012 303(d) List of Impaired Surface Waters.

Attachment 1

Guidance for Submitting Comment on Changes from the April 20, 2012 'Draft' to July 19, 2013 'Final' 2012 303(d) List of Impaired Surface Waters, 11/18/2013

Guidance for Submitting Comments on Changes between the 'Draft' and 'Final' 2012 303(d) List of Impaired Surface Waters for New Hampshire

Introduction:

In accordance with Section 303(d) of the Federal Clean Water Act, the New Hampshire Department of Environmental Services (DES) has prepared a list of impaired waters in New Hampshire that require a Total Maximum Daily Load study (i.e., the 303(d) List). Subsequent to publishing the 'Draft' 303(d) for public comment on April 20, 2012, DES identified additional waters that warranted removal from the 303(d) list. The purpose of this document is to solicit comment on those additional removals (or delistings).

Between the issuance of the Draft 2012 303(d) for public comment in April 2012 and final publication in July 2012, a number of impairments were identified that DES proposes to remove from the list. The primary reasons for these proposed delistings include, but are not limited to:

- Beaches located on lakes with approved Total Maximum Daily Loads (TMDL), where the TMDL applies to the both the lake and the beach;
- Waterbodies that now meet water quality standards;
- Erroneous listings; and,
- Splits in assessments units in which the new assessment unit meets water quality standards.

At this time, DES is soliciting public comment solely on portions of the July 19, 2013 'Final' which differed from the April 20, 2012 'Draft' 303(d). The public comment period on all other aspects of the Draft 2012 303(d) list closed on July 5, 2012 and a response to comments section was added to the Final 2012 303(d) list. DES will not respond to further comments on any portion of the 2012 303(d) list aside from those changes described in this solicitation. Comments are due by December 20, 2013.

Documents for Public Review and Comment:

The changes from the 'Draft' 2012 303(d) List of Impaired Surface Waters are available for review and comment on the DES website at

<http://des.nh.gov/organization/divisions/water/wmb/swqa/index.htm>.

- The changes between the 'Draft' and 'Final' 303(d) list are described in:
 - "SUBSTANTIVE DIFFERENCES BETWEEN THE DRAFT AND FINAL 2012 SECTION 303(D) LIST OF THREATENED OR IMPAIRED WATERS"
(<http://des.nh.gov/organization/divisions/water/wmb/swqa/2012/documents/2012-303d-draft-to-final-chngs.pdf>)
 - "IMPAIRMENTS REMOVED (I.E. DELISTED) FROM THE 303(D) LIST OF THREATENED OR IMPAIRED WATERS July 30th 2013"
(<http://des.nh.gov/organization/divisions/water/wmb/swqa/2012/documents/2012-final-303d-delisted.pdf>).

Comment Requirements:

DES encourages submission of all comments. However, to be considered for changes to the 'Final' 2012 303(d) List of Impaired Waters, the data or information must:

- Relate to the waterbody/parameter combinations that changed between the 'Draft' and 'Final' 303(d);
- Clearly identify the surface water(s) and geographic extent of concern;

- Explicitly describe evidence for support or impairment of designated use(s), and;
- Include documentation of quality assurance methods used in the collection, analysis and reporting of data.

Comments must be received by DES by 4 pm on December 20th, 2013.

In order to facilitate the review of these changes, DES has included below the groups (from the second document above) of impaired waters impacted by this delisting and a short description of the affected designated uses and parameters. The groups not named here are unchanged from the April 2012 303(d) list.

GROUP 5. AUIDs Covered by the Lake Phosphorus TMDL (84 Parameter/Designated use combinations on 26 AUs) Plus CHANGES FROM APRIL 20TH, 2012 DRAFT 303(D) - One Additional Cyanobacteria Impairment Covered by the Lake Phosphorus TMDL upgraded to Category 2 (1)

GROUP 6. Additional Cyanobacteria Impairments Covered by the Lake Phosphorus TMDL (3) Plus CHANGES FROM APRIL 20TH, 2012 DRAFT 303(D) - Additional Cyanobacteria Impairments Covered by the Lake Phosphorus TMDL (10)

GROUP 7. Additional Dissolved Oxygen Saturation Impairments Covered by the Lake Phosphorus TMDL (2) plus CHANGES FROM APRIL 20TH, 2012 DRAFT 303(D) - Additional Dissolved Oxygen Saturation Impairments Covered by the Lake Phosphorus TMDL (2)

GROUP 8. CHANGE FROM APRIL 20TH, 2012 DRAFT 303(D) – Additional Excess Algal Growth Impairment Covered by the Lake Phosphorus TMDL (1)

GROUP 26. Ashuelot River – Keene WWTF to South Branch (NHRIV802010301-38) Dissolved Oxygen Saturation for Aquatic Life Use (1)

GROUP 27. CHANGES FROM APRIL 20TH, 2012 DRAFT 303(D) – Bacteria TMDL Correction

GROUP 28. CHANGES FROM APRIL 20TH, 2012 DRAFT 303(D) – Souhegan River, Dissolved Oxygen Concentration for Aquatic Life Use (5)

GROUP 29. CHANGES FROM APRIL 20TH, 2012 DRAFT 303(D) – Little Cohas Brook, Benthic Macroinvertebrates index for Aquatic Life Use (1)

How to Submit Comments:

Comments and submissions during the public comment period must be in written form to provide an accurate record of your concerns. Comments will not be accepted by phone. Written comments maybe sent by mail, fax or e-mail to the appropriate address shown below.

By mail: 2012, 303(d) Comments
New Hampshire Department of Environmental Services
Watershed Management Bureau
29 Hazen Drive, P.O. Box 95
Concord, New Hampshire 03302-0095
Attention: Ken Edwardson

By e-mail: 303dcomment@des.state.nh.us

By fax: (603) 271-7894