

**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 12<sup>th</sup>, 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  
Audubon Society  
Center for Biological Diversity  
Connecticut River Joint Commissions  
Conservation Law Foundation  
County Conservation Districts  
DPW Directors of the MS4 Communities  
Great Bay Municipal Coalition  
Lake and River Local Management Advisory  
Committees  
Maine Department of Environmental Protection  
Manchester Conservation Commission  
Massachusetts Department of Environmental  
Protection  
Merrimack River Watershed Council  
National Park Service  
New England Interstate Water Pollution Control  
Commission  
NH Department of Health and Human Services

NH Coastal Program  
NH Rivers Council  
North Country Council  
Regional Planning Commissions  
Society for the Protection of National Forests  
Natural Resources Conservation Service  
The Nature Conservancy  
Upper Merrimack River Local Advisory Committee  
US Environmental Protection Agency  
US Geological Survey  
US Fish and Wildlife Service  
US Forest Service  
University of New Hampshire  
Vermont Department of Environmental  
Conservation  
Volunteer Lakes Assessment Program  
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 20<sup>th</sup>, 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 may be 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](mailto:303dcomment@des.state.nh.us)

By fax: (603) 271-7894