

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Env-Dw 902

<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: <u>RSA 485:24, I</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Protecting the Purity of Surface Water Sources of Drinking Water**

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

The existing rules in Env-Dw 902 specify restrictions on certain activities in, upon, and within the watersheds of certain surface waters that are sources of public drinking water. The rules are proposed to be readopted with amendments in order to make clarifications and readopt the rules in advance of their expiration in 2024. The proposed amendments include a definition of “board of water commissioners” to accommodate the various persons and entities having authority over local water systems, and update incorporated statutory definitions.

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

The rules will affect owners/operators of public water systems that use surface water as a source, as well as anyone who owns property or recreates adjacent to such surface waters.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented
Env-Dw 902 (see below for additional statute)	RSA 485:23, RSA 485:24
Env-Dw 902.05	RSA 541-A:22, IV

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Holly Green	Title:	Environmentalist III
Address:	Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-3114
		Fax#:	(603) 271-5171
		E-mail:	Holly.H.Green@des.nh.gov

The rules also can be viewed in PDF at <https://www.des.nh.gov/rules-and-regulatory/administrative-rules> and filtering for **Proposed** rules in the **Drinking Water** subcategory

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

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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 11, 2021**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, May 26, 2021 at 10:00 AM**

Place:

This will be a virtual hearing via WebEx, which can be accessed through the following link:

<https://nhgov.webex.com/nhgov/j.php?MTID=m1c13bee97d33450c4ed36f4c3430834c>

Meeting number (access code): 160 954 2720

Meeting password: 8uxMrpmRv66

Join by phone:

+1-415-655-0001 US Toll; Meeting number (access code): 160 954 2720

Contact Paul Susca at Paul.A.Susca@des.nh.gov or (603) 271-7061 if you have any questions or technical issues connecting to the hearing.

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 21:035 , dated 03/23/2021:

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:

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:

Since the requirements reflect restrictions requested by the impacted local authority, the local authorities must be viewed as having agreed to any costs that may be incurred. The rules thus do not mandate or assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state in such a way as to necessitate additional local expenditures, and so do not violate Part I, Article 28-a of the New Hampshire Constitution.