

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

FROM Paul Currier, Watershed Management
Bureau Administrator

Date September 15, 2010

Offices
Dept of Environmental Services
Water Division

SUBJECT Recommended language for HB 1305
language related to changes in RSA 485-A

TO Rep. Judith Spang, Chair, House Resources,
Recreation, and Development Committee

On September 9, 2010, the Water Quality Standards Advisory Committee (WQSAC) approved proposed language for HB 1305. This language was developed by working groups of the WQSAC at the request of the House Resources, Recreation, and Development (RR&D) Committee. The proposed bill text includes both changes to statutes and recommended session law text.

By this memo, I am transmitting the recommendations from the WQSAC back to the RR&D subcommittee responsible for HB 1305 for further deliberation.

Please contact me at (603) 271-3289 if you have any questions.

HB 1305 – Final Text Recommended by WQSAC

Changes to Statute

Definitions; Surface Waters. Amend RSA 485-A:2, XIV to read as follows:

XIV. "Surface waters of the state" means perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses, ~~and~~ other bodies of water, natural or artificial, ***and waters of the United States under the federal Clean Water Act.***

New Paragraphs. Amend RSA 485-A:2 by inserting after paragraph XIV the following new paragraph:

XIV-a. “Water Quality Standards” means the combination of designated uses, criteria to support the uses, and antidegradation provisions whether specified in this chapter or rules adopted pursuant to this chapter.

New Section; Antidegradation Requirements. Amend RSA 485-A by inserting after section 9 the following new section:

485-A:9-a Antidegradation Requirements. The department shall adopt rules that implement the antidegradation provisions of the federal Clean Water Act as specified in 40 CFR section 131.12 or any successor regulation promulgated by the United States Environmental Protection Agency.

Session Law Text

Findings. The general court finds that administration of water quality standards and the classification of waters, including assignment of designated uses for waters of the state, establishment of narrative and numeric criteria that support those uses, and an antidegradation policy, are important to the management and protection of New Hampshire’s waters. It is in the interests of the state to do a comprehensive review of water quality standards, including the statutory process for classification of waters under RSA 485-A:8-12, and the related Surface Water Quality Regulations (Env-Wq 1700) adopted by the Department of Environmental Services.

Report required; Review of water quality standards.

I. (a) The commissioner of the department of environmental services shall conduct a comprehensive review of water quality standards and shall present a report, together with any proposed legislation, to the governor, the president of the senate, and the speaker of the house not later than September 30, 2012.

(b) The report shall:

(1) Include a brief history of water quality standards in New Hampshire, including the classification history and current classifications for state waters.

(2) Describe the current water quality standards, including statutes, rules, and administrative practices of the department.

(3) Describe the state responsibilities and requirements for water quality standards under the federal Clean Water Act, including a report of consultations with EPA Region 1.

(4) Summarize representative water quality standards of other states.

(5) Include recommendations for proposed legislation to make water quality standards work better as a tool for managing and protecting New Hampshire’s waters, and to better fulfill the state responsibilities under the Clean Water Act.

(c) The commissioner may solicit the input and advice of diverse stakeholders in preparing the report, including consultations with the department’s ad hoc Water Quality Standards Advisory Committee.