

CHAPTER 211
SB 127 - FINAL VERSION

02/09/2017 0277s
1Jun2017... 1089h
06/08/2017 2348EBA

2017 SESSION

17-0953
08/01

SENATE BILL **127**

AN ACT relative to dissolved oxygen water quality standards.

SPONSORS: Sen. Gray, Dist 6; Sen. Watters, Dist 4

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill defines 7Q10 flows for the purpose of classification of waters.

This bill also authorizes the department of environmental services to make rules regarding dissolved oxygen water quality standards and water quality standards consistent with the Clean Water Act.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to dissolved oxygen water quality standards.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 211:1 New Paragraph; Definitions; 7Q10. Amend RSA 485-A:2 by inserting after paragraph
2 XXIII the following new paragraph:

3 XXIV. "7Q10" means the lowest average flow that occurs for 7 consecutive days on an
4 annual basis with a recurrence interval of once in 10 years on average, expressed in terms of
5 volume per time period.

6 211:2 Dissolved Oxygen; Surface Waters of the State. Amend RSA 485-A:8, II to read as
7 follows:

8 II. Class B waters shall be of the second highest quality and shall have no objectionable
9 physical characteristics[~~, shall contain a dissolved oxygen content of at least 75 percent of~~
10 ~~saturation,~~] and shall contain not more than either a geometric mean based on at least 3 samples
11 obtained over a 60-day period of 126 Escherichia coli per 100 milliliters, or greater than 406
12 Escherichia coli per 100 milliliters in any one sample; and for designated beach areas shall contain
13 not more than a geometric mean based on at least 3 samples obtained over a 60-day period of 47
14 Escherichia coli per 100 milliliters, or 88 Escherichia coli per 100 milliliters in any one sample;
15 unless naturally occurring. There shall be no disposal of sewage or waste into said waters except
16 those which have received adequate treatment to prevent the lowering of the biological, physical,
17 chemical or bacteriological characteristics below those given above, nor shall such disposal of
18 sewage or waste be inimical to aquatic life or to the maintenance of aquatic life in said receiving
19 waters. The pH range for said waters shall be 6.5 to 8.0 except when due to natural causes. ***The***
20 ***commissioner shall adopt rules, under RSA 541-A, relative to dissolved oxygen water***
21 ***quality standards in a manner consistent with Environmental Protection Agency***
22 ***guidance on dissolved oxygen water criteria published pursuant to section 304(a) of the***
23 ***Clean Water Act, and other relevant scientific information.*** Any stream temperature increase
24 associated with the discharge of treated sewage, waste or cooling water, water diversions, or
25 releases shall not be such as to appreciably interfere with the uses assigned to this class. The
26 waters of this classification shall be considered as being acceptable for fishing, swimming and other
27 recreational purposes and, after adequate treatment, for use as water supplies. Where it is
28 demonstrated to the satisfaction of the department that the class B criteria cannot reasonably be
29 met in certain surface waters at all times as a result of combined sewer overflow events, temporary

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1 partial use areas shall be established by rules adopted under RSA 485-A:6, XI-c, which meet, as a
2 minimum, the standards specified in paragraph III. *The commissioner shall not calculate*
3 *nutrient discharge limits for aquatic life and human health criteria based on 7Q10 flow*
4 *or such other flow criteria more restrictive than 7Q10.*

5 *II-a. The commissioner shall adopt rules, under RSA 541-A, relative to dissolved*
6 *oxygen water quality standards for tidal and saline waters in a manner consistent with*
7 *Environmental Protection Agency guidance on dissolved oxygen water criteria published*
8 *pursuant to section 304(a) of the Clean Water Act, and other relevant scientific*
9 *information.*

10 211:3 New Paragraphs; Rulemaking; Dissolved Oxygen Concentration Water Quality
11 Standards. Amend RSA 485-A:6 by inserting after paragraph XIII the following new paragraphs:

12 XIV. Dissolved oxygen concentration water quality standards under RSA 485-A:8, II and II-
13 a.

14 XV. Water quality standards consistent with RSA 485-A:8 and as required by the Clean
15 Water Act.

211:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 10, 2017

Effective Date: September 08, 2017