

Amendment to SB 127

1 Amend the title of the bill by replacing it with the following:

2  
3 AN ACT relative to dissolved oxygen water quality standards.  
4

5 Amend the bill by replacing section 2 with the following:  
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7 2 Dissolved Oxygen; Surface Waters of the State. Amend RSA 485-A:8, II to read as 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 EPA guidance on dissolved oxygen water***  
22 ***criteria published pursuant to section 304(a) of the Clean Water Act, and other relevant***  
23 ***scientific information.*** Any stream temperature increase associated with the discharge of treated  
24 sewage, waste or cooling water, water diversions, or releases shall not be such as to appreciably  
25 interfere with the uses assigned to this class. The waters of this classification shall be considered as  
26 being acceptable for fishing, swimming and other recreational purposes and, after adequate  
27 treatment, for use as water supplies. Where it is demonstrated to the satisfaction of the department  
28 that the class B criteria cannot reasonably be met in certain surface waters at all times as a result  
29 of combined sewer overflow events, temporary partial use areas shall be established by rules  
30 adopted under RSA 485-A:6, XI-c, which meet, as a minimum, the standards specified in paragraph

31 III. ***The commissioner shall not calculate nutrient discharge limits for aquatic life***  
32 ***and human health criteria based on 7Q10 flow or such other flow criteria more restrictive***

1 *than 7Q10.*

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

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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.