

Notice Number 2023-13

Rule Number Env-Wq 301

1. Agency Name & Address:  <b>Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095</b>	2. RSA Authority: <u>RSA 485-A:6, VII</u>
	3. Federal Authority: <u>n/a</u>
	4. Type of Action:
	Adoption _____ Repeal _____ Readoption _____ Readoption w/amendment <u>X</u>

5. Short Title: **State Surface Water Discharge Permits**

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

**The Department of Environmental Services is proposing to readopt with amendment Env-Wq 301, *State Surface Water Discharge Permits*. The existing rules establish the standards and procedures by which a facility can obtain a state discharge permit under RSA 485-A:13, I(a). The amendments update the rules to reflect the amendments to RSA 541-A:29 (Laws of 2018, Chapter 279:6); remove unneeded definitions and add definitions of terms that are used in the rules; and eliminate certain requirements for the transfer of permits that were not authorized under RSA 485-A.**

**The existing rules are scheduled to expire on May 22, 2023. But the existing rules are subject to extension for the duration of this readoption proceeding pursuant to RSA 541-A:14-a, I.**

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

**Facilities that discharge to surface water that are not also required to obtain a federal National Pollutant Discharge Elimination System (NPDES) permit, a water quality certification or indirect discharge request approval.**

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-Wq 301 (also see specific sections listed below)	RSA 485-A:8; RSA 485-A:13, I(a)
Env-Wq 301.06	RSA 485-A:4, XVII
Env-Wq 301.10	RSA 541-A:30

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

Name:	<b>Stergios Spanos</b>	Title:	<b>Civil Engineer VI</b>
Address:	<b>Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095</b>	Phone #:	<b>(603) 271-6637</b>
		Fax#:	<b>(603) 271-2867</b>
		E-mail:	<b><a href="mailto:stergios.k.spanos@des.nh.gov">stergios.k.spanos@des.nh.gov</a></b>

The rules also can be viewed in PDF at the Public Comment Opportunities section of the NHDES website at <https://www.des.nh.gov/public-comment-opportunities> and selecting "Rulemaking"

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

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 PM on Wednesday, February 22, 2023**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, February 14, 2023, at 10:00 AM**

Place: **Room 208C, NHDES Offices, 29 Hazen Drive, Concord, NH**

**NOTE: NHDES security procedures require all visitors to sign in and present photo identification (such as a driver's license). If you plan to attend the public hearing in person, please bring photo identification with you.**

You also may attend the hearing via Microsoft Teams, which can be accessed through the following link: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MDkxYjBiMDctZTM0ZC00YWYyLTkxOWYtOTZiN2E4ZjU1ZDAx%40thread.v2/0?context=%7b%22Tid%22%3a%22992deae9-1c4c-42c8-a310-5088af55ba74%22%2c%22Oid%22%3a%22a378c695-9fb7-48e0-b722-2691e03ea451%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MDkxYjBiMDctZTM0ZC00YWYyLTkxOWYtOTZiN2E4ZjU1ZDAx%40thread.v2/0?context=%7b%22Tid%22%3a%22992deae9-1c4c-42c8-a310-5088af55ba74%22%2c%22Oid%22%3a%22a378c695-9fb7-48e0-b722-2691e03ea451%22%7d)

**You also may join the meeting by phone:**

**Call in Number: (603) 931-4944**

**Access Code: 301 082 187#**

**Microsoft Teams Meeting ID: 276 170 183 652**

**If any questions or technical issues, please contact Zachary Lorch at 603-271-2984 or via email at [zachary.d.lorch@des.nh.gov](mailto:zachary.d.lorch@des.nh.gov)**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 22:272, dated 01/05/2023

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in cost between the proposed rules and 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:

**The rules do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision, and so do not violate Part I, Article 28-a of the New Hampshire Constitution.**