

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number _____ Env-Dw 715

<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 485:3, I(c); RSA 485:41, II & IV</u></p> <p>3. Federal Authority: <u>40 CFR 141 Subparts L, U, and V</u></p> <p>4. Type of Action:</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-left: 20px;">Adoption</td> <td style="text-align: right; border-bottom: 1px solid black;">X</td> </tr> <tr> <td style="padding-left: 20px;">Amendment</td> <td style="text-align: right; border-bottom: 1px solid black;"></td> </tr> <tr> <td style="padding-left: 20px;">Repeal</td> <td style="text-align: right; border-bottom: 1px solid black;"></td> </tr> <tr> <td style="padding-left: 20px;">Readoption</td> <td style="text-align: right; border-bottom: 1px solid black;"></td> </tr> <tr> <td style="padding-left: 20px;">Readoption w/amendment</td> <td style="text-align: right; border-bottom: 1px solid black;"></td> </tr> </table>	Adoption	X	Amendment		Repeal		Readoption		Readoption w/amendment	
Adoption	X										
Amendment											
Repeal											
Readoption											
Readoption w/amendment											

5. Short Title: Disinfection Residuals, Byproducts, and Byproduct Precursors

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The purpose of these rules is to reflect federal procedures and standards for the control of disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors by public water systems, as specified in 40 CFR 141 Subpart L (§§130-135), 40 CFR 141 Subpart U (§§600-605), and 40 CFR 141 Subpart V (§§620-629), which, pursuant to 40 CFR 141.1, constitute national primary drinking water requirements. The rules apply to public water systems and are intended to implement 40 CFR 141, promulgated by EPA under the Federal Safe Drinking Water Act, and are required for the State to retain primacy. The rules will replace Env-Ws 382, which will be repealed in a separate rulemaking.

The proposed rules adopt the federal Stage 2 Disinfectants and Disinfection Byproducts (DBP) Rule, which builds upon earlier rules that addressed disinfection byproducts to improve drinking water quality and provide additional public health protection from disinfection byproducts. The proposed rules strengthen public health protection by tightening compliance monitoring requirements for two groups of DBPs, trihalomethanes (TTHM) and haloacetic acids (HAA5). The rule targets systems with the greatest risk and will reduce potential health risks related to DBP exposure and provide more equitable public health protection.

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

The rules affect community water systems or non-transient non-community water systems at which any chemical disinfectant, including chlorine dioxide, is added to the water in any part of the treatment process and transient non-community water systems at which chlorine dioxide is added as a disinfectant or oxidant to the water in any part of the treatment process.

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	Federal Statute(s)/ Regulation(s) Implemented
Env-Dw 715	RSA 485:3, I(c); RSA 485:41	40 CFR 141 Subparts L, Subpart U, and V

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 #:	271-3114
		Fax#:	271-0656
		E-mail:	holly.green@des.nh.gov

RULEMAKING NOTICE FORM - Page 2

The rules also can be viewed in PDF at
<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

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: **Monday, November 23, 2009, at 4:00 p.m.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, November 13, 2009, at 2:30 p.m.**

Place: **Room 110, DES Offices, 29 Hazen Drive, Concord, NH**

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

FIS # 09:187 , dated 10/09/09

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The rules reflect federal requirements which impose costs regardless of whether state rules are adopted. The proposed rules thus do not create, modify, or expand any program in such a way as to require political subdivisions to make any expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.