

## RULEMAKING NOTICE FORM

Notice Number _____	Rule Number _____	Env-Dw 716
1. Agency Name & Address:  Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: <u>RSA 485:3, I &amp; VI; RSA 485:41, II &amp; IV</u> 3. Federal Authority: <u>40 CFR 141 Subparts H, P, T, W</u> 4. Type of Action: Adoption <span style="float: right;"><u>    X    </u></span> Amendment <span style="float: right;"><u>          </u></span> Repeal <span style="float: right;"><u>          </u></span> Readoption <span style="float: right;"><u>          </u></span> Readoption w/amendment <span style="float: right;"><u>          </u></span>	

5. Short Title: Filtration, Disinfection, and Waste Recycling

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

The purpose of these rules is to establish requirements for filtration, disinfection, and waste recycling as specified in 40 CFR 141 Subpart H (§§70-76), 40 CFR 141 Subpart P (§§171 - 176), 40 CFR 141 Subpart T (§§500 - 571), and 40 CFR 141 Subpart W (§§700-723), which, pursuant to 40 CFR 141.1, constitute national primary drinking water requirements. These rules establish:

1. Requirements for filtration and disinfection at public water systems supplied by a surface water source and public water systems supplied by a source of ground-water under the direct influence of surface water;
2. Treatment technique requirements in lieu of maximum contaminant levels for giardia lamblia, viruses, heterotrophic plate count bacteria, legionella, cryptosporidium, and turbidity; and
3. Criteria under which recycle provisions and recordkeeping requirements apply to public water systems that employ conventional filtration or direct filtration treatment and recycle spent backwash water, thickener supernatant, or liquids from dewatering processes.

The rules will replace Env-Ws 380, which will be repealed in a separate rulemaking proceeding.

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

These rules affect public water systems supplied by surface water, groundwater under the direct influence of surface water; or any combination of surface water and groundwater under the direct influence of surface water.

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 716	RSA 485:3, I & VI RSA 485:41, II & IV	40 CFR 141 Subpart H, §§70 - 76 40 CFR 141 Subpart P, §§171 - 176 40 CFR 141 Subpart T, §§500 - 571 40 CFR 141 Subpart W, §§700-723

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

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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 # 09:188 , 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.