

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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(b) These rules shall apply to any person who causes point or nonpoint source discharge(s) of pollutants to surface waters, or who undertakes hydrologic modifications, such as dam construction or water withdrawals, or who undertakes any other activity that affects the beneficial uses or the level of water quality of surface waters.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

PART Env-Wq 1702 DEFINITIONS

Env-Wq 1702.01 "Acute toxicity" means an adverse effect such as mortality or debilitation caused by an exposure of 96 hours or less to a toxic substance.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.02 "Antidegradation" means a provision of the water quality standards that maintains and protects existing water quality and uses.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.03 "Assimilative capacity" means the amount of a pollutant or pollutants that can safely be released to a waterbody without causing violations of applicable water quality criteria or negatively impacting uses.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.04 "Benthic community" mean the community of plants and animals that live on, over, or in the substrate of the surface water.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.05 "Benthic deposit" means any sludge, sediment or other organic or inorganic accumulations on the bottom of the surface water.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.06 "Best management practices" means those practices which are determined, after problem assessment and examination of all alternative practices and technological, economic and institutional considerations, to be the most effective practicable means of preventing or reducing the amount of pollution generated by point or nonpoint sources to a level compatible with water quality goals.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.07 "Biological integrity" means the ability of an aquatic ecosystem to support and maintain a balanced, integrated, adaptive community of organisms having a species composition, diversity, and functional organization comparable to that of similar natural habitats of a region.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.08 "Biota" means species of plants or animals occurring in surface waters.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.09 "CFR" means the Code of Federal Regulations published by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.10 "Chronic toxicity" means an adverse effect such as reduced reproductive success or growth, or poor survival of sensitive life stages, which occurs as a result of prolonged exposure to a toxic substance.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.11 "Class A and B waters" means those surface waters that are legislatively classified as Class A or B waters pursuant to RSA 485-A:8, I, II and III.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.12 “Clean Water Act (CWA)” means the federal Clean Water Act, Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, Pub. L. 100-4, 33 U.S.C. 1251 et seq.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.13 “Community” means one or more populations co-occurring in surface waters.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.14 “Criterion” means:

- (a) A designated concentration of a pollutant;
- (b) A narrative statement concerning that pollutant that when not exceeded, will protect an organism, a population, a community, or a prescribed water use; or
- (c) A numeric value or narrative statement related to other characteristics of the surface waters, such as flow and biological community integrity.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.15 “Cultural eutrophication” means the human-induced addition of wastes containing nutrients to surface waters which results in excessive plant growth and/or a decrease in dissolved oxygen.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.16 “Department” means the department of environmental services.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.17 “Designated uses” means those uses specified in water quality standards for each waterbody or segment whether or not such uses are presently occurring.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.18 "Discharge" means:

- (a) The addition, introduction, leaking, spilling, or emitting of a pollutant to surface waters, either directly or indirectly through the groundwater, whether done intentionally, unintentionally, negligently or otherwise; or
- (b) The placing of a pollutant in a location where the pollutant is likely to enter surface waters.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.19 "Dissolved oxygen (D.O.)" means the oxygen dissolved as a gas in sewage, water or other liquid expressed in milligrams per liter (mg/l), parts per million (ppm), or percent saturation.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.20 "Effluent limitation(s)" means any restriction(s) imposed by the department pursuant to RSA 485-A on quantities, discharge rates, characteristics, and concentrations of pollutants which are discharged to surface waters.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.21 "Environmental Protection Agency (EPA)" means the United States Environmental Protection Agency.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.22 "Epilimnion" means the upper, well-circulated warm layer of a thermally stratified lake, pond, impoundment or reservoir.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.23 "Existing uses" means those uses, other than assimilation or waste transport, which actually occurred in the waterbody on or after November 28, 1975, whether or not they are included in the water quality standards.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.24 "High quality surface waters" means all surface waters whose water quality is better than required by any aquatic life and/or human health water quality criteria contained in these rules or other criteria assigned to the surface water, or whose qualities and characteristics make them critical to the propagation or survival of important living natural resources.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.25 "Industrial waste" means "industrial waste" as defined in RSA 485-A:2, VI, namely "any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources."

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.26 "Maintain and protect" means to preserve the existing and designated uses of surface waters.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.27 "Mixing zone" means a defined area or volume of the surface water surrounding or adjacent to a wastewater discharge where the surface water, as a result of the discharge, might not meet all applicable water quality standards.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.28 "Most sensitive use" means the use which is most susceptible to degradation by a specific pollutant, combination of pollutants, or activity, such as:

- (a) Drinking;
- (b) Swimming;
- (c) Boating;
- (d) Fish and aquatic life propagation;
- (e) Fish consumption by higher level consumers including man; or

(f) Irrigation.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.29 "Naturally occurring conditions" means conditions which exist in the absence of human influences.

S Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.30 "Nephelometric turbidity unit (NTU)" means a standard used to measure the optical property that causes light to be scattered and absorbed rather than transmitted in straight lines through water, as measured by a nephelometer.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.31 "Noncontact cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product and to which no pollutants, other than heat, have been added.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.32 "Nonpoint source" means any source other than a point source as defined in Env-Wq 1702.38.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.33 "No observed effect concentration (NOEC)" means the highest measured continuous concentration, in percent, of an effluent at which no adverse effects are observed on the aquatic test organisms.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.34 "Nuisance species" means any species of flora or fauna living in or near the water whose noxious characteristics or presence in sufficient number or mass prevent or interfere with a designated use of those surface waters.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.35 "Other wastes" means "other wastes" as defined in RSA 485-A:2, VIII, namely, "garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than sewage or industrial wastes, and any other substance harmful to human, animal, fish or aquatic life."

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.36 "Outstanding Resource Water (ORW)" means surface waters of exceptional recreational or ecological significance.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.37 "pH" means a measure of the hydrogen ion concentration in a solution, expressed as the logarithm to the base 10, of the reciprocal of the hydrogen ion concentration in gram moles per liter.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.38 "Point source" means a discernible, confined, and discrete conveyance from which pollutants are or might be discharged, excluding return flows from irrigated agriculture or agricultural stormwater runoff, and including but not limited to a:

- (a) Pipe;
- (b) Ditch;
- (c) Channel;
- (d) Tunnel;
- (e) Conduit;
- (f) Well;
- (g) Discrete fissure;
- (h) Container;

- (i) Rolling stock;
- (j) Concentrated animal feeding operation; or
- (k) Vessel or other floating craft.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.39 "Pollutant" means "pollutant" as defined in 40 CFR 122.2.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.40 "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.41 "Population" means a group of individuals of one biological species co-occurring in time and space.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.42 "Publicly owned treatment works (POTW)" means any device or system used in the treatment of municipal sewage and/or industrial wastewater which is owned by the state, or a political subdivision of the state.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)

Env-Wq 1702.43 "Radionuclide" means a radioactive atomic nucleus specified by its atomic number, atomic mass and energy state.

Source. (See Revision Note #1 at chapter heading for Env-Wq 1700) #7151, eff 12-10-99; ss by #9034, INTERIM, eff 12-10-07; ss by #9162, eff 5-21-08 (See Revision Note #2 at chapter heading for Env-Wq 1700)