



OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES
STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Rulemaking Notice Form

Notice Number: 2026-112

Rule Number: Env-Wq 307

1. **Agency:** Department of Environmental Services
Water Quality and Quantity Programs

Agency Address: 29 Hazen Drive
PO Box 95
Concord, NH 03302

2. **RSA Authority:** RSA 485-A:22,V(a)
3. **Federal Authority:** N/A
4. **Action(s):** Adoption
5. **Short Title:** Administrative Fine Schedule
6. **(a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:**

The New Hampshire Department of Environmental Services (Department) is proposing to adopt a schedule of administrative fines as required by RSA 485-A:22, V(a), for violations of certain subdivisions and sections of RSA 485-A and the administrative rules adopted under the authority of RSA 485-A:6, Env-Wq 300 SURFACE WATER PROTECTION.

A previous version of these rules was adopted under Env-C 603.03.

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

The proposed rules will affect persons seeking a state discharge permit under RSA 485-A:13, I(a) for a facility; operators and permittees of wastewater treatment plants; persons who may cause the indirect discharge of pollutants to a publicly owned treatment works; and persons who may discharge mercury-containing amalgam from dental offices

into wastewater, by setting a schedule of administrative fines for those persons who violate the statutes and rules regulating such persons and activities.

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 307	RSA 485-A:22, V(a)

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

Name: Aron Johnson	Title: Legal Coordinator
Address: 29 Hazen Drive PO Box 95 Concord, NH 03302	Phone Number: (603) 271-2464
	FAX Number:
	Email: aron.b.johnson@des.nh.gov

8. **Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:**

Monday, July 6, 2026

Fax

Email nhdesrules@des.nh.gov

Other: [NHDES Administrative Rules Public Comment Form](#)

9. **Public hearing scheduled for:**

Date: Friday, June 26, 2026

Time: 9:00 AM

Place:

Franklin Training Center
528 River Street in Franklin, New Hampshire, 03235

Electronic Access, if applicable:

Microsoft Teams

[Join the meeting now](#)

Meeting ID: 263 051 550 032 470

Passcode: Ss9xo3gS

Dial in by phone

[+1 603-931-4944](tel:+16039314944), [468731372#](tel:+16039314687) United States, Concord

[Find a local number](#)

Phone conference ID: 468 731 372#

If you have any questions or technical issues connecting to the hearing, please contact Mark Kondelis, Jr. at [603-271-3549](tel:603-271-3549) or via email at Mark.A.KondelisJr@des.nh.gov.

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

FIS #: 26:095 , dated: Thursday, May 21, 2026

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

Not applicable as these are new 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):

The proposed rules establish a schedule of administrative fines for violations of RSA 485-A:5-18, Env-Wq 300, and permits or approvals issued under RSA 485-A:5-18. The rules establish fixed fines of \$2,000 for certain knowing violations and \$1,500 for certain reckless or negligent violations, as well as a matrix-based fine schedule ranging from \$100 to \$2,000 for violations not otherwise specifically scheduled (see below).

Rule Section	Violation Type	Fine Amount
Env-Wq 307.02	Major Violations	\$2,000 per offense
Env-Wq 307.03	Moderate Violations	\$1,500 per offense

For violations not otherwise specifically scheduled, Env-Wq 307.04 establishes the following matrix-based fines:

Potential for Harm	Minor Deviation	Moderate Deviation	Major Deviation
Minor Potential for Harm	\$100 to \$500 (default \$250)	\$500 to \$1,000 (default \$750)	\$1,000 to \$1,500 (default \$1,250)
Moderate Potential for Harm	\$500 to \$1,000 (default \$750)	\$1,000 to \$1,500 (default \$1,250)	\$1,500 to \$2,000 (default \$1,750)
Major Potential for Harm	\$1,000 to \$1,500 (default \$1,250)	\$1,500 to \$2,000 (default \$1,750)	\$2,000 maximum

Any administrative fines collected pursuant to the proposed rules would be deposited into the General Fund. The fiscal impact on State citizens, political subdivisions, and independently owned businesses is indeterminable, as costs would only be incurred by persons or entities that fail to comply with RSA 485-A:5-18, Env-Wq 300, or permits or approvals issued under RSA 485-A:5-18 and are assessed an administrative fine. The amount of any such fine would depend on the number and severity of violations. The fiscal impact on state revenues is also indeterminable, as revenue generated from

administrative fines would depend on the number and severity of violations assessed under the proposed rules.

A. To State general or State special funds:

See #3 above.

B. To State citizens and political subdivisions:

See #3 above.

C. To independently owned businesses:

See #3 above.

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

The proposed rules do not impose a change to an underlying function, duty, or activity performed or to be performed by a local government, and therefore do not violate Part I, Article 28-a of the New Hampshire Constitution.