STATE OF NEW HAMPSHIRE

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

Rulemaking Notice Form

Notice Number: 2026-189

Rule Number: Env-Wq 405

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

   Agency Address: Department of Environmental Services
   Water Quality and Quantity Programs
   29 Hazen Drive PO Box 95
   Concord, NH 03302

2. **RSA Authority:** RSA 485:58, V; RSA 485-A:22, V; RSA 485-C:18, I

3. **Federal Authority:** N/A

4. **Action(s):** Adoption

5. **Short Title:** Administrative Fine Schedule Re: Groundwater Protection

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 485:58, V(a); RSA 485-A:22, V(a); and RSA 485-C:18, for violations of certain subdivisions and sections of RSA 485, RSA 485-A, RSA 485-C, and the administrative rules adopted under the authority of RSA 485:3, X, RSA 485-A:6, RSA 485-C:2, VIII, and RSA 485-C:4, VII.

   _ **Does this rule implement a state statute for the first time?**
   No

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

The proposed rules will affect any person who may be subject to an administrative fine for violating RSA 485, RSA 485-A, and RSA 485-C or any rule, permit, or order adopted or issued under RSA 485-C.

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 405	RSA 485:58, V; RSA 485-A:22, V; RSA 485-C:18

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:**

Wednesday, October 28, 2026

_ **Fax**
X **Email** nhdesrules@des.nh.gov
X **Other:** NHDES Administrative Rules Public Comment Form

9. **Public hearing scheduled for:**
Date: Monday, October 19, 2026
Time: 2:00 PM
Place: Room 208C, NHDES Offices, 29 Hazen Drive, Concord, NH 03301

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.

Electronic Access, if applicable:

Microsoft Teams:

Join the meeting now

Meeting ID:244 512 344 673 020

Passcode:RL9t6Z2q

Dial in by phone:

603-931-4944 United States, Concord

Find a local number

Phone conference ID: 106 940 847#

If you have any questions or technical issues connecting to the hearing, please contact Aron Johnson. at 603-271-2464 or via email at aron.b.johnson@des.nh.gov.

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

FIS #: 26:183, dated: Friday, September 11, 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 Env-Wq 400 and applicable statutory requirements concerning groundwater protection, including permits, registrations, certifications, approvals, and other requirements intended to protect groundwater from pollution and potential health hazards. RSA 485:58, V and RSA 485-A:22,V authorizes the Commissioner to impose administrative fines of up to $2,000 per violation. RSA 485-C:18 authorizes the Commissioner to impose administrative fines of up to $4,000 per violation. All three statutes require the Commissioner to adopt rules establishing a fine schedule. The proposed rules establish fines of $2,000 per offense for major violations, including knowingly conducting regulated activities without required approval, submitting false or misleading information, or violating conditions of an approval. The proposed rules establish fines of $1,500 per offense for certain moderate violations involving reckless or negligent conduct. For violations for which a specific fine is not established, the proposed rules establish fines ranging from $100 to $2,000 based on the extent of the violation and potential for harm.

A. To State general or State special funds:

The proposed rules may increase State General Fund revenue by an indeterminable amount from administrative fines.

B. To State citizens and political subdivisions:

The proposed rules may result in an indeterminable increase in costs to State citizens and political subdivisions that violate applicable requirements and are assessed an administrative fine.

C. To independently owned businesses:

The proposed rules may result in an indeterminable increase in costs to certain independently owned businesses that violate applicable requirements and are assessed an administrative fine.

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.