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: 2026-190

Rule Number: Env-Wq 1117

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-A:28, II

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

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

5. **Short Title:** Administrative Fine Schedule Re: Public Bathing Places

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:28, II for violations of the safety regulations for pools and bathing places subdivision of RSA 485-A, including any license or approval issued under the subdivision, or any rule adopted under the subdivision: CHAPTER Env-Wq 1100, PUBLIC BATHING PLACES.

   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 owners and operators of public bathing places and any other person who may be subject to an administrative fine for violating the public bathing place statutes or rules, or any permit or approval issued under those statutes.

6. **(c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:**

Rule Section(s)	Statutory Section(s) Implemented
Env-Wq 1117	RSA 485-A:28, II

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, October 26, 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 #: 26:180, 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 the safety regulations for pools and bathing places. RSA 485-A:28, II authorizes the Commissioner to impose administrative fines of up to $2,000 per violation and requires the Commissioner to adopt rules establishing a fine schedule. The proposed rules establish fines of $2,000 per violation for major violations, $1,500 per violation for moderate violations, and fines ranging from $500 to $2,000 for certain other specified violations. For violations for which a specific fine is not established, the proposed rules establish fines ranging from $1 to $2,000 based on the extent of the violation and potential for harm.

A. To State general or State special funds:

The State General Fund may see an indeterminable increase in revenue from administrative fines assessed pursuant to the proposed fine schedule.

B. To State citizens and political subdivisions:

Certain State citizens and political subdivisions subject to the safety regulations for pools and bathing places may incur increased costs if they violate applicable requirements and are assessed an administrative fine pursuant to the proposed fine schedule. The fiscal impact is indeterminable because it will depend on the number and type of violations and fines assessed.

C. To independently owned businesses:

Certain independently owned businesses subject to the safety regulations for pools and bathing places may incur increased costs if they violate applicable requirements and are assessed an administrative fine pursuant to the proposed fine schedule. The fiscal impact is indeterminable because it will depend on the number and type of violations and fines assessed.

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

The proposed rules do not mandate any new, expanded, or modified programs or responsibility to any political subdivision in such a way as to necessitate additional local expenditures. 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.