§ 21-0117. Water quality network.

1. The New England Interstate Water Pollution Control Commission, in cooperation with the state and such other states signatory to the New England Interstate Water Pollution Control Compact as may participate, shall establish and maintain a water quality sampling and testing network. The network shall, to the fullest extent practicable, rely upon the sampling and testing programs of the state and other participating states and upon information available from agencies of the federal government, and shall not duplicate any of their activities. However, if the sampling and testing programs of the state and other states and the information available from agencies of the federal government are insufficient to provide the commission with records of water quality adequate for its needs, the commission may supplement the sampling and testing otherwise available to it.

2. Sampling pursuant to this section shall be at points at or near the places where waters cross a boundary of the state and the samples shall be tested in order to determine their quality. The sampling and testing provided for herein shall be scheduled by the commission or in accordance with its requests and shall include such factors or elements as the commission shall request. Any sampling and testing done by the Department of Environmental Conservation as part of the activities of the commission's network shall be reported fully and promptly by the department to the commission together with the results thereof.

3. a. If the commission ascertains that particular waters at or near a boundary of the state do not comply with the standards of the commission made pursuant to article V of the New England Interstate Water Pollution Control Compact, or are not otherwise of a quality complying with state law, the commission shall inform the Department of Environmental Conservation and the water pollution control agency of any other state concerned and shall afford such agencies an opportunity to verify, explain, supplement or correct the information in the possession of the commission and, if the facts warrant, to take or secure the taking of any necessary remedial action.

b. If such remedial action is not taken or secured in timely fashion, the commission may hold a public hearing on due notice, as provided in its rules and regulations, in order to ascertain all the relevant facts and circumstances. Following public hearing, the commission may issue an order directed to the source or sources of waste discharge causing or contributing to the deteriorated water quality. Such order or orders may require reduction or cessation of waste discharges or the improvement of their quality. An order shall not be valid unless supported by substantial evidence adduced at the public hearing. Such order shall prescribe the date or dates by which discharges of waste are to be reduced, discontinued or treated, and may contain timetables or schedules for specific steps to be taken in order to comply therewith. An order made pursuant to this section may be enforced in any court of competent jurisdiction. Proceedings shall be only on the record made before the commission.

4. Unless otherwise conferred by law, the commission shall not have power to issue permits or licenses in connection with the discharge or treatment of wastes, or pass upon plans or specifications for particular waste treatment or collection equipment or facilities.