

Readopt with amendments Env-Dw 503, effective 12-2-13 (#10465), to read as follows:

PART Env-Dw 503 PUBLIC WATER SYSTEM GENERAL OPERATIONAL REQUIREMENTS

Statutory Authority: RSA 485:41, VIII

Env-Dw 503.01 Owner Liability. The owner of a public water system (**PWS**) may delegate any responsibility imposed by this part to another person, subject to the limitations specified herein. Such delegation shall not relieve the owner from liability for non-compliance with these requirements.

Env-Dw 503.02 Responsibilities of the Owner of a PWS.

(a) The owner of a PWS shall comply with RSA 485 and the rules in subtitle Env-Dw.

(b) The owner of a community water system (CWS) or non-transient non-community water system (NTNC) shall:

(1) Designate a certified operator with an active certificate as the PWS operator, to be responsible for the duties specified in Env-Dw 502.25 and available when the PWS is in operation except as provided in (c) below;

(2) Ensure that any operating personnel making process control decisions about water quality or quantity is a certified operator with an active certificate;

(3) Ensure that any persons performing maintenance or construction work on the PWS or PWS components have the applicable licenses or certifications; and

(4) Comply with the wellhead protection program required by Env-Dw 302, Env-Dw 305, and other source water protection requirements as applicable.

(c) The owner of a grade I-A water system, as classified in Env-Dw 502.14, shall not be required to delegate the operational duties specified in Env-Dw 502.25(a)(8) to the system's certified operator.

(d) The owner of a PWS shall submit to the department, a copy of the designation specified in (b)(1) above.

(e) The owner of a privately owned redistribution system (PORS) shall comply with the requirements of (b)(1)-(4) and (d) above.

{the above text being added as new Env-Dw 503.02 is currently at Env-Dw 502.24 and will be deleted from that location when Env-Dw 502 is readopted}

{existing Env-Dw 503.02 has been moved and renumbered as Env-Dw 503.19}

{existing Env-Dw 503.03 has been moved and renumbered as Env-Dw 503.06}

Env-Dw 503.03 Required Information.

(a) The owner of a new PWS or a new owner of an existing PWS shall provide the following information to the department:

(1) Name and location, including the street address and map and lot number(s) of the property(ies) that contain(s) the water supply source(s), of the system; and

(2) The information required in (b) below for each of the following individuals or entities:

- a. The owner's name;*
- b. The owner's contact person, if different from the person specified in (a)(2)e. below;*
- c. If applicable, the owner's representative;*
- d. If applicable, the primary certified operator designated in accordance with Env-Dw 503.02(b);*
- e. The sampling agent, if different from the person specified in (a)(2)f. below; and*
- f. If applicable, the emergency designee as required in Env-Dw 503.04.*

(b) The notice provided pursuant to (a)(2) above, shall include the name of each individual or entity, mailing address, daytime telephone number, emergency telephone number, and the e-mail address that the person uses for the PWS's business.

Env-Dw 503.~~03~~**04** Designation of Emergency Operator *or Emergency Contact*.

(a) The owner of a ~~community water system~~ *CWS* shall designate another person to take charge of the system in the event that an emergency occurs during the owner or primary operator's absence.

(b) For ~~systems~~ *CWSs* serving 1,000 or more people, the designee shall be a certified operator.

Env-Dw 503.~~04~~**05** Notice of Change of *in* Personnel *Information*. ~~(a) Within 5 working days of the change, the owner of a public water system PWS shall notify the department whenever a change to the information provided pursuant to Env-Dw 503.03 occurs in any of the following.~~

{existing 503.04(a)(1) – (5) has been moved and renumbered as 503.03(a)(3) – (7).}
{existing 503.04(c) has been moved and renumbered as 503.08.}

Env-Dw 503.~~05~~**06** Notice of Change of System *PWS* Ownership.

(a) The following notifications shall be made whenever ownership of a ~~public water system~~ *PWS* is transferred, whether by sale, gift, bequest, or any other transaction:

(1) The person who is transferring ownership shall notify the department of the impending transfer no less than one month before the anticipated date of transfer; and

(2) The person who is becoming the owner *of a PWS* shall notify the department of the actual transfer within ~~10~~ **5 working** days after its occurrence.

~~(b) The notice provided by the new owner shall specify the new owner's name, mailing address, daytime telephone number, and, if available, a fax number and e-mail address.~~

Env-Dw 503.~~06~~**07** Request for Updates.

(a) The owner of a ~~public water system~~ *PWS* shall, ~~on~~ **upon** request of the department, provide:

(1) A description of the system *PWS*'s existing facilities;

(2) The status of current operations; and

(3) If available, information regarding planned capital improvements and expansion.

(b) The department shall request such updates whenever the department receives information which indicates that the information on file with the department is not current.

Env-Dw 503.08 Method of Delivery for Required Notifications and Updates. ~~(e)~~ The owner of a ***PWS*** shall:

~~(1)~~***(a)*** Provide the notice required by ~~(a), above,~~ ***Env-Dw 503.02(d), and 503.03 through 503.07,*** by ~~mail, fax, e-mail~~ ***or, if email is not feasible,*** by ***postal*** mail, messenger, ***hand,*** or other means of delivery; and

~~(2)~~***(b)*** Follow up to confirm delivery, if the method of delivery does not automatically provide confirmation.

{existing 503.04(c) has been moved and renumbered as 503.08.}

~~Env-Dw 503.0709~~ ***Operations and Maintenance Manual.***

(a) Each ~~public water system~~***PWS*** shall have an operations and maintenance manual as described in ~~(e),~~ below.

(b) For ***a new public water systems PWS, where the system developer original owner of the PWS develops the PWS but then transfers ownership to a new owner, the original owner*** shall provide an operations and maintenance manual as specified in ~~(e),~~ below, to the ~~system~~ ***new PWS*** owner prior to the start-up date of the ~~system~~***PWS.***

(c) The operations and maintenance manual shall be subject to inspection at the time of the final certified inspection pursuant to ~~Env-Ws 372-Env-Dw 404, Env-Ws 373-Env-Dw 405, or Env-Ws 374-Env-Dw 406,~~ as applicable, ~~or successor rules in subtitle Env-Dw.~~

(d) The ~~water system~~ owner ***of a PWS*** shall maintain a copy of the ***current*** operations and maintenance manual on-site at the ~~water system~~ ***PWS until it is replaced with an updated edition.***

(e) The operations and maintenance manual shall include:

(1) A description of how the system ***PWS*** functions;

(2) Performance specifications and a description of each ~~water system~~ ***PWS*** component;

(3) A description of the maintenance action and frequency of maintenance required for each equipment component; and

(4) Maintenance logs on which the date and type of maintenance activity performed can ***shall*** be recorded.

(f) The operations and maintenance manual shall be updated whenever:

(1) A new facility, source, ***storage tank, pressure boosting or reducing station, vault,*** ~~or~~ treatment process, ***or other PWS component requiring periodic maintenance*** is added to the ~~system~~ ***PWS;*** or

(2) Modifications to the facility, source, ***storage tank, pressure boosting or reducing station,*** ~~or~~ treatment process, ***or other PWS component requiring periodic maintenance*** render the existing manual obsolete.

(g) The ~~system~~ owner ***of the PWS*** shall:

- (1) Make the manual available to the department for review during ***any*** inspections; and
- (2) If ~~any staff or design changes are made~~ ***requested by the department***, provide a copy of the manual to the department ~~upon request~~.

Env-Dw 503.0810 ~~Water System~~ ***CWS Rules***.

(a) Subject to (b); below, each ~~community water system~~ ***CWS owner*** shall develop written rules that address:

- (1) Criteria relating to the extension of service to areas or customers not already served by the system ***CWS***, such as types and diameters of pipes and other components of the ~~system~~ ***CWS***; and
- (2) Billings and payments and other user requirements, such as whether water conservation fixtures or practices are required, conditions or activities that are prohibited because they could contaminate the water supply for the ~~water system~~ ***CWS***, and penalties for failing to abide by the policies; ***and***
- (3) The definition of non-essential demand, including but not limited to, irrigation and the filling of swimming pools.***

(b) If the ~~system~~***CWS*** owner is a political subdivision and its local legislative body does not vote to approve funding for the development of written rules and the development of such rules is not fully funded by the state, the department shall not require the rules to be developed by that political subdivision.

*{Env-Dw 503.09 moved and renumbered as Env-Dw 503.14, 503.19 and 503.21 through 503.24}
{Env-Dw 503.10 moved and renumbered as Env-Dw 503.13(a)(4) below.}*

Env-Dw 503.4511 ~~Public Water System~~ ***PWS Operational and Maintenance Inspection Frequency***.

(a) The ~~water system~~ owner ***of a PWS*** shall inspect the ~~system~~***PWS*** in accordance with the following:

- (1) Treatment processes with mechanical chemical addition or processes treating bacteria, nitrate, or nitrite shall be inspected at least once every 7 days;
- (2) Treatment processes without mechanical chemical addition shall be inspected at least once every 30 days;
- (3) Source pumping stations and booster stations with no treatment shall be inspected at least once every 30 days;
- (4) Water storage facilities with no treatment shall be inspected at least once every 30 days;***
- ~~(4)~~***(5)*** Facilities such as pressure reducing vaults and air release valves shall be inspected at least once every 6 months; and
- ~~(5)~~***(6)*** Surface water filtration facilities shall be inspected each day.

(b) The ~~system~~ owner ***of a PWS who wishes to reduce the inspection frequencies specified in (a) above may shall*** request a reduction of the inspection frequencies ~~specified above~~ by filing ***by email*** a written request ~~with~~***to*** the department that includes:

- (1) The name, PWS identifier, and location of the PWS;

- (2) The type of contaminant being treated;
- (3) The level of equipment duplication and backup;
- (4) The level of remote surveillance or monitoring;
- (5) The proposed inspection frequency;
- (6) Whether the reduction is requested for a fixed or indefinite period of time; and
- (7) Alternative methods of ensuring the continued integrity of the ~~water system~~ ***PWS*** and water quality, such as staffing levels or capabilities that provide increased routine scrutiny of the equipment or processes for which the reduction is sought.

(c) If email is not feasible, the owner may submit the request specified in (b) above by postal mail, messenger, hand, or other means of delivery.

~~(e)~~***(d)*** The department shall approve a reduced inspection frequency if the request demonstrates that the reduced frequency will not jeopardize the continued integrity of the ~~water system~~ ***PWS*** or the quality of water delivered to consumers.

~~(d)~~***(e)*** If the department approves a reduced inspection frequency, the approval shall include such conditions as the department determines are reasonably necessary to ensure that the criteria specified in (c), above, are met.

~~(e)~~***(f)*** If the department determines that a previously-approved reduced inspection frequency is jeopardizing the continued integrity of the ~~water system~~ ***PWS*** or the quality of water delivered to consumers, the department shall initiate an action to suspend or revoke the approval in accordance with RSA 541-A and the provisions of Env-C 200 applicable to adjudicative proceedings.

Env-Dw 503.~~46~~***12*** Conduct and Review of Inspections.

(a) The owner ***of a PWS*** may delegate the responsibility to conduct the inspections required by Env-Dw 503.~~45~~***11***(a) as follows:

- (1) The individual conducting the inspection shall have knowledge of the facilities and functions requiring action or maintenance; and
- (2) The individual performing the inspections specified in Env-Dw 503.~~45~~***11***(a)(~~4~~)***(5)*** and ~~(5)~~***(6)*** shall be a certified operator.

(b) The certified operator of a ~~community~~***CWS*** or ~~non-transient non-community water system~~***NTNC*** shall determine the specific functions to be accomplished at the inspections required by Env-Dw 503.~~45~~***11***(a).

(c) For any ~~community~~***CWS*** or ~~non-transient non-community water system~~***NTNC***, if the inspections required by Env-Dw 503.~~45~~***11***(a) are not performed by ~~the a~~ ***a*** certified operator, ~~the a~~ ***a*** certified operator shall inspect the system and review the inspection records required by Env-Dw 503.~~47~~***13***(a) on the following schedule:

- (1) Treatment processes with mechanical chemical addition or processes treating bacteria, nitrate, or nitrite, at least once every 30 days;
- (2) Treatment processes without mechanical chemical addition, at least once every 90 days; ~~and~~

(3) Source pumping stations and booster stations with no treatment, at least once every 90 days-; ***and***

(4) Water storage facilities with no treatment, at least once every 90 days.

Env-Dw 503.1713 ~~Required Inspection~~ ***Records of Inspections, Repairs, Maintenance, and Operations, Including Production and Treatment Logs.***

(a) The ~~water system~~ owner ***of a PWS*** shall keep a record on paper or in electronic format of each inspection, ~~that includes~~ ***including*** the following:

(1) Time and date of the inspection;

(2) Name of the individual performing the inspection;

(3) ~~Pertinent operational information, as specified in Env-Dw 503.10; and~~ (4) General ***facility and equipment*** conditions at the time of the inspection-;

~~Env-Dw 503.10 Production and Treatment Logs-~~(a) (4) Each public water system shall record the system's ***If available, the individual water source meter readings, pump run time meter readings, well level transducer readings,*** total production ***meter readings,*** and the operational parameters of all treatment processes-at the time of any inspection required by Env-Dw 503.11-
(b) ~~Recordable factors shall be-~~ ***including:***

(1)a. The chemical(s) that are being used;

(2)b. The total quantity of each chemical used;

(3)c. A description of each analytical test being used to monitor the treatment process(es) and all test results; and

(4)d. The total gallons of water treated, if metered data is required or available-; ***and***

(5) Each operation and maintenance (O&M) task performed that may affect the quality or sufficiency of supply, including the following:

a. Time and date of the task;

b. Name and company affiliation of the individual administering the task; and

c. Description of conducted O&M activities.

(b) The records required by (a); above, shall be available for review by the department.

Env-Dw 503.2214 ~~Available Sources of Water.~~

(a) A ~~public water system~~ ***PWS*** shall use only the source(s) of water identified to the department and approved, to the extent such approval was required at the time the source was activated.

(b) Before introducing water to the distribution system from any supplemental well that meets the criteria of (a); above, the owner ***of a PWS*** shall verify the absence of coliform bacteria from the introduced water.

(c) No ~~public water system~~***PWS*** shall introduce water from a new source that has not been approved by the department pursuant to the applicable provisions of Env-Dw 300.

Env-Dw 503.48***15*** Evaluation of Water Supply Adequacy Required. The ~~water system~~ owner ***of a PWS*** shall review, periodically as needed, the sources and treatment of the water supply in relationship to customer demand, for the purpose of ensuring that the ~~system~~***PWS*** can meet its obligations to customers.

Env-Dw 503.49***16*** Short-Term Water Supply Inadequacies.

(a) Whenever it appears that demand will exceed supply on an emergency or short-term basis, the ~~water system~~ owner ***of the PWS*** shall take appropriate action(s) to reduce nonessential demand.

(b) Whenever a drought is declared in the region of the PWS, the owner of the PWS shall take such action(s) as the owner deems necessary to reduce nonessential demand.

~~(b)~~***(c)*** Reduction of demand shall be considered as an emergency response achievable by directive from the ~~water system~~***PWS*** to its customers.

~~(e)~~***(d)*** ~~The~~ ~~A community water system~~***CWS owner*** shall define “nonessential demand” in the rules adopted pursuant to Env-Dw 503.07***10, if any, or in the emergency plan adopted pursuant to 503.24.***

~~(d)~~***(e)*** ~~A water system~~***The owner of a PWS*** shall inform the department of any action(s) taken or directed to reduce customer demand on a short-term or emergency basis within 3 working days of taking or directing such action(s).

~~(e)~~***(f)*** If a water shortage necessitating the reduction of nonessential demands occurs on an annual basis, the shortage shall not be considered an emergency situation that can be addressed under this section.

Env-Dw 503.20***17*** Long-Term Water Supply Inadequacies.

(a) If demand exceeds supply for more than 30 days, the ~~water system~~ owner ***of the PWS*** shall:

- (1) Implement water use restrictions;
- (2) Inform the department in writing of any actions taken or directed to restrict customer demand within 3 days; ~~and~~
- (3) Submit a plan, ***in writing***, to permanently correct the problem to the department within 60 days; ***and***
- (4) Implement corrective actions as approved by the department pursuant to (d) below.***

(b) The plan required by (a)(3); above, shall include one or more of the following, as appropriate to the cause(s) of the shortage:

- (1) Development of additional water supply source(s);
- (2) Implementation of a leak detection plan;
- (3) Implementation of a water conservation plan; or
- (4) Other actions as deemed necessary.

(c) In addition to developing the plan required by (a)(3); above, the ~~water system~~ owner ***of the PWS*** may take action to modify long term demand by:

- (1) Adjusting water rates;
- (2) Installing customer service water meters;
- (3) Requiring installation of water conservation devices; or
- (4) Taking other actions such as described in Env-Wq 2101 relative to water conservation.

(d) The department shall:

- (1) Review the plan submitted pursuant to (a)(3) above within 30 days of receiving the plan; and***
- (2) Approve the corrective action(s) in the plan if the department determines that the corrective action(s) are likely to address the cause(s) of the shortage.***

Env-Dw 503.4218 Notice of Planned Outages.

(a) Subject to (b); below, the ~~system~~ owner ***of a PWS*** shall notify affected customers at least 2 days in advance of scheduled maintenance activities that are likely to result in the interruption of service to customers.

(b) If planned maintenance is unexpectedly rescheduled for reasons beyond the control of the ~~system~~***PWS*** owner or if a service interruption occurs during scheduled maintenance activities that were not anticipated to result in the interruption of service, the owner shall provide as much advance notice as is practicable under the circumstances.

(c) For ~~systems~~***a PWS*** serving fewer than 100 individuals, regardless of the number of customers, the notice required by (a); above, shall be in writing and be delivered by first class mail, e-mail, or hand-delivery to each home or business served by the ~~system~~***PWS***.

(d) For ~~systems~~***a PWS*** serving 100 or more individuals, regardless of the number of customers, the notice required by (a); above, shall be delivered by one or more of the following methods, at the election of the ~~system~~***PWS*** owner:

- (1) In writing and delivered by first class mail, e-mail, or hand-delivery to each home or business affected by the planned activities;
- (2) Other electronic means such as reverse 911 telephone service; or
- (3) Published in a newspaper of general circulation for the area served by the ~~system~~***PWS***, ***provided that (e) - W*** when newspaper publication is used, the notice shall be published at least twice with the final required publication at least 2 days before the anticipated beginning of work.

{existing (e) merged into (d)(3) above}

(e) If the PWS has a website, the owner shall supplement the notice provided pursuant to (c) or (d) above, by posting a notice on the PWS's website.

(f) If the ~~system~~***PWS*** serves only a residential community with 100 or more service connections and elects to use newspaper notice, the system owner shall also notify, by first class mail, e-mail, or hand-delivered written notice, any affected owners' association that exists for the community.

Env-Dw 503.0219 Notification of Impairment.

(a) The owner of a ***PWS classified in Env-Dw 401 as a community CWS or non-community, non-transient water system/NTNC*** shall:

(1) ~~n~~Notify the department ***as specified in (a)(2) below***, within 24 hours after discovery of any ***impairments or disruptions that reduce the PWS's ability to continue delivering safe drinking water, including*** the following:

~~(1)~~***a.*** Actual or suspected tampering, sabotage, security breach, or any suspicious incident at the water system;

~~(2)~~***b.*** Damage to or depletion of the source of the supply or water system facilities which impairs the quality or sufficiency of the supply; ~~or~~

c. Interruption of service of a pressure zone, or the entire water system due to an extended power outage, line break, or other ~~cause~~ ***event that causes a disruption of the ability of the PWS to continue delivery of safe drinking water;***

d. ***Inability to obtain chemicals required to operate the treatment system due to supply chain issues; or***

e. ***Staff shortages; and***

~~(b)~~ (2) ~~The owner shall p~~Provide the notice to the department required by (a)(1), above, by telephone, ~~fax,~~ e-mail, or other available means of confirmable, rapid communication.

~~(d)~~(b) Subject to ~~(g)~~(d), below, if the impairment is anticipated to last more than 48 hours, the system owner ***specified in (a) above*** shall notify affected customers within 48 hours of the impairment of:

- (1) What the impairment is;
- (2) The corrective actions taken or planned; and
- (3) The expected timeframe for resolution.

~~(e)~~(c) The ~~system~~***PWS*** owner ***specified in (a) above*** shall provide the notice to customers required by ~~(d)~~, (b) above, by:

- (1) Using reverse-911 or similar automated mechanism for contacting customers, if available; or
- (2) In writing, if the water system does not have reverse 911 or other automated mechanism for contacting customers; ***and***

~~(f)~~(3) ~~The system owner shall p~~Provide a copy of the recorded or written notice to the department ***within 30 days of providing the notice to customers.***

~~(g)~~(d) If the ~~system~~***PWS*** owner ***specified in (a) above*** is a political subdivision and its local legislative body has not voted or does not vote to approve funding for the notification required by ~~(d)~~, (b) above, and the notification is not fully funded by the state, the ~~system~~ owner shall not be required to provide the notice.

~~(e)~~(e) ***In addition to (a) through (d) above, the owner of Aa community water system CWS*** shall implement the appropriate actions as specified in the water system's emergency plan required by Env-Dw 503.2124.

Env-Dw 503.4420 Priority Repair Arrangement.

- (a) Where in-house system repair capability does not exist, the ~~water system~~ owner ***of a PWS*** shall establish separate repair agreements for the ~~water system~~***PWS*** components and distribution piping system.
- (b) Each agreement shall require the repair company to:
- (1) Notify the primary ~~water system~~***PWS*** operator; and
 - (2) Prioritize the repair and restoration of service to all of the ~~water system~~***PWS***'s customers.
- (c) The primary ~~water system~~***PWS*** operator shall oversee all repairs. If the primary ~~water system~~***PWS*** operator is not available and the repairs are of an emergency nature, the individual designated under Env-Dw 503.01 shall oversee the repairs.

Env-Dw 503.4321 Prompt Repair and Maintenance Required.

- (a) Each ~~public water system~~ owner ***of a PWS*** shall promptly repair and fully maintain the operational readiness of the ~~system~~***PWS***.
- (b) The actions required by (a), above, shall include:
- (1) The preparation and implementation of a preventative maintenance program, ***following the minimum guidelines established in Env-Dw 504***; and
 - (2) The prompt repair or replacement of ~~system~~***PWS*** components that have failed or are otherwise not performing as intended

Env-Dw 503.4422 Required Action After Mechanical Breakdown or Other Failure.

- (a) If the ~~water system~~***PWS*** experiences a mechanical failure, water main break, or power failure or experiences a degradation of the water quality in the distribution system, the owner shall initiate one or more of the following actions, as appropriate to the situation:
- (1) Disinfection;
 - (2) Bacterial testing;
 - (3) Flushing; and
 - (4) Public notice to consumers as specified in Env-Dw 503.02~~(d)~~***19(b)***.
- (b) The action(s) taken shall be determined by the ~~system~~ owner ***of the PWS*** and ***the*** primary certified operator after a careful analysis of the event.

Env-Dw 503.0923 Termination of Service.

- (a) For purposes of this section, "termination of service" means the suspension of service until such time as the underlying reason for the suspension has been corrected or otherwise resolved.
- (b) Subject to (g), below, the ~~water system~~ owner ***of the PWS*** may terminate a customer's service for cause as specified in the ~~water system~~***PWS***'s rules.
- (c) If the ~~water system~~***PWS*** has not adopted rules covering termination of service, the owner shall terminate a customer's service for cause only as provided in this section.

(d) In the absence of system-specific rules, any of the following shall constitute cause for termination of service:

- (1) Failure to pay a bill that is not being disputed under applicable legal procedures;
- (2) Misappropriation of water by the customer;
- (3) Refusal by the customer to give reasonable access to the customer's premises for necessary inspection of ~~water system~~**PWS** property;
- (4) Failure by the customer to address a condition that could contaminate the ~~water system~~**PWS**;
- (5) Failure by the customer to repair or replace customer-controlled equipment that is allowing water to flow when such flow is not intended;
- (6) Violation of water use bans imposed by the water system, including but not limited to, exterior water use when a use restriction has been imposed by the ~~water system~~**PWS**;
- (7) Violation of formally adopted ~~water system~~**PWS** rules provided that the rules identify service termination as a penalty for violation; or
- (8) Tampering with ~~water system~~**PWS** property.

(e) Subject to (f) and (g), below, prior to terminating service, ***the owner of the*** ~~water system~~**PWS** shall notify the ***local health officer and*** customer in writing by registered mail or other method that provides confirmation of delivery at least 14 days prior to the termination date.

(f) The owner ***of the PWS*** may terminate service without the advance written notice required by (e), above, if:

- (1) The owner provides as much advance notice to the customer as is practicable under the circumstances;
- (2) The owner notifies the department of the termination within 48 hours of the termination; and
- (3) One or more of the following is true:
 - a. A condition exists that poses a threat to the safety or reliability of the water system ***and termination of the service is necessary to abate the threat***;
 - b. A condition exists that poses a threat to life, health, or property ***and termination of the service is necessary to abate the threat***; or
 - c. The customer has abandoned the property served by the water system, as evidenced by:
 1. The service address premises being vacant for a period of 60 days without any notification to the water system; and
 2. The customer not responding to the owner's attempts to contact him or her.

(g) ~~A water system~~**The owner of a PWS** registered with the public utilities commission (PUC) shall use the termination procedure specified in the system's PUC franchise and tariff.

Env-Dw 503.2124 ~~Emergency Plans for Community Water Systems~~**CWSs**.

(a) The owner of a ~~community water system~~**CWS** shall prepare an emergency plan ***based on the assessment of risks using current scientific data and projections as applicable***, to address emergency situations, including, but not limited to ***actions or impairments triggering department notification as defined*** ~~those listed in Env-Dw 503.0219(a)~~, ***such as, power outages, drought, flooding, saltwater intrusion, and extreme weather***.

(b) The emergency plan shall include the following:

- (1) A description of the roles and responsibilities for each individual involved during an emergency situation;
- (2) A description of how the department, local officials, ~~water system~~**CWS** customers including any ~~privately owned redistribution systems~~**PORS** or consecutive systems, and the general public will be notified of an emergency situation;
- (3) A step-by-step description of how the system will implement an acute public notice, including a boil water order, do not drink notice, or do not use notice;
- (4) The mailing address, emergency telephone number, and non-emergency telephone number of each of the following local officials and agencies:
 - a. The fire department;
 - b. The police department;
 - c. At least one ambulance service;
 - d. The health officer;
 - e. The ~~water system~~**CWS**'s primary certified operator(s); and
 - f. The owner(s) of abutting water system(s);
- (5) The emergency and non-emergency telephone numbers of the following state agencies:
 - a. The state police;
 - b. The department's drinking water and groundwater bureau;
 - c. The department of ***safety***, homeland security and emergency management; and
 - d. The department of health and human services, division of public health services;
- (6) The names and emergency and non-emergency telephone numbers for local service and repair contractors that might be needed in an emergency, including but not limited to:
 - a. An electrician;
 - b. The electric utility;
 - c. A pump specialist;
 - d. An excavation contractor;
 - e. A state-accredited laboratory; and
 - f. Media such as radio station and newspaper;

(7) The name and emergency and non-emergency telephone numbers for each service customer with unique water supply needs, including but not limited to:

- a. Hospitals;
- b. Nursing homes;
- c. Health rehabilitation centers;
- d. Housing for older persons as described in RSA 354-A:15;
- e. Fire department; and
- f. Schools;

(8) A description of how the water supply needs of service customers specified in (7); above, will be met;

(9) A description of how the CWS will continue to provide essential functions during an emergency by addressing the following:

- a. Essential personnel;***
- b. Essential system operations;***
- c. Orders of succession;***
- d. Continuity communications;***
- e. Record management;***
- f. Cross-training programs; and***
- g. Alternate facilities;***

~~(9)~~***(10)*** A description of any existing mutual aid agreements or memberships ***and where a copy of the agreement(s) can be found;***

~~(10)~~***(11)*** A brief list of the ~~community water system~~***CWS's*** primary components, ***or reference to the CWS's asset management plan if it contains a complete list, otherwise*** including but not limited to:

- a. All active sources;
- b. All operable inactive wells;
- c. All source and distribution pump stations;
- d. All distribution system pressure reducing vaults/stations;***
- ~~d~~e. All water treatment facilities;
- ~~e~~***f.*** All storage tanks;
- ~~f~~***g.*** All drinking water chemicals; and
- ~~g~~***h.*** Primary and backup communications equipment;

~~(11)~~***(12)*** A description of the type of record drawings available and where the drawings are located;

- (~~12~~)(13) A description of the ~~community water system~~ **CWS** that includes at least the following:
- a. The total production capacity of each active and inactive well or surface water treatment plant;
 - b. The total storage capacity of the system;
 - c. The average and maximum daily demand of the system;
 - d. The system's ability to isolate sections of the distribution system; and
 - e. If applicable, a description, based on existing information, of the hydraulic interconnectivity of the system's sources and an estimate of the extent to which a contamination event would affect total production capacity;
- (~~13~~)(14) A description of the ~~system~~ **CWS**'s backup power capabilities, including but not limited to:
- a. Whether there is a manual or automatic transfer switch;
 - b. Type and size of generator;
 - c. Which operations the generator supports;
 - d. Fuel type;
 - e. How long the generator is capable of operating; and
 - f. Testing and maintenance schedule of the generator;
- (~~14~~)(15) A description of alternate water sources or short-term measures the ~~community water system~~ **CWS** could use during an emergency situation, including, but not limited to:
- a. The use of bottled water;
 - b. Purchasing bulk water in accordance with Env-Dw 304;
 - c. Reactivating deactivated sources of water;
 - d. Interconnections with adjacent water supply systems;
 - e. Installation of water treatment; and
 - f. Imposing water use restrictions;
- (~~15~~)(16) A description of follow-up action and responsibility for returning to regular system operation; ~~and~~
- (17) A description of procedures for responding to breaches in cybersecurity systems, including, but not limited to:***
- a. The name and emergency and non-emergency telephone numbers for the information technology contact;***
 - b. The ability to disconnect impacted computers from the network to isolate the problem;***
 - c. How the CWS will assess the damage to the equipment or disruptions caused to utility operation;***
 - d. If needed, how the CWS will initiate manual operation of equipment if control systems have been compromised;***

e. How the CWS plans to restore operation of their critical processes that were impacted;

f. How the CWS will distribute any advisories or alerts to customers as needed, including customers whose records may have been compromised; and

g. Documentation procedures to be used to track cyber incident responses; and

~~(16)~~***(18)*** For ~~community water systems~~**CWSs** serving more than 1,000 persons that are located within the 10-mile Emergency Planning Zone as defined in 44 CFR 350.2 for ~~either the~~ **Seabrook Station or Vermont Yankee** nuclear power plants, the emergency plan shall include the following:

a. A statement that the water system is located within the Emergency Planning Zone; and

b. A statement that the water system will follow the established ***local and state*** procedures, ***which are available from the local emergency management director of the municipality***, for responding to radiological emergencies.

(c) ~~Community water systems~~**CWSs** ~~created on or after December 1, 2005~~ shall submit an emergency plan to the department as part of the final approval to operate process per ~~Env-Ws 372.06~~ ***Env-Dw 404 or Env-Dw 405, as applicable.***

(d) The ~~water system~~**CWS** owner and primary operator shall sign and date the emergency plan prior to submittal to the department.

(e) The ~~water system~~**CWS** owner and primary operator shall:

(1) Annually review the emergency plan; and

(2) Update the plan as necessary to reflect current information.

(f) The ~~system~~**CWS** owner shall file the most recent emergency plan with the department ~~at least once~~ ***by March 31*** every ~~6-5~~ years, ***beginning March 31, 2026.***

(g) The emergency plan shall be available for review during each scheduled sanitary survey, as required by Env-Dw 720.

Readopt with amendments Env-Dw 504, effective 12-2-13 (#10465), to read as follows:

PART Env-Dw 504 PUBLIC WATER SYSTEM MAINTENANCE REQUIREMENTS

Statutory Authority: RSA 485:41, VIII

Env-Dw 504.01 Owner Liability. The owner of a public water system (***PWS***) may delegate any responsibility imposed by this part to another person, subject to any limitations specified herein. Such delegation shall not relieve the owner from liability for non-compliance with these requirements.

Env-Dw 504.02 Definitions.

(a) “All premises served” means every residential, commercial, industrial, educational, governmental, religious, or other property that is connected to the ~~water system~~***PWS***.

(b) “Tie location records” means records showing the precise detailed dimensional measurements of all buried water supply lines, valves, and other components.

(c) “Curb stop” means the valve between the water distribution system and the service customer’s premises which controls the flow of water to the premises.

(d) “Record drawing” means a plan of the actual configuration of the distribution system showing the type, size, and location of piping, service lines, shut-offs, blow-offs, hydrants, valves, and other utilities.

Env-Dw 504.03 General System Maintenance.

(a) Each ~~public water system~~ ***PWS*** shall have a maintenance schedule for each of the following:

- (1) Wells, reservoirs, and intakes;
- (2) Pump stations;
- (3) Electrical equipment and controls;
- (4) Water storage tanks;
- (5) Distribution system; ~~and~~
- (6) Water treatment facilities; ***and***
- (7) ***Water meters and instrumentation.***

(b) The schedule shall be based on:

- (1) The maintenance frequencies recommended by the manufacturer, for those components for which such recommendations exist; and
- (2) For all other components, the frequencies recommended by the American Water Works Association or commonly used in the water works industry.

Env-Dw 504.04 Source Evaluation.

(a) The ~~water system~~ owner ***of a PWS*** shall review, periodically as needed, water use records, customer complaints, and other documents or information pertaining to the source capacity of the system’s ***surface water(s) or well(s) or both, as applicable,*** in relationship to historic production rates.

(b) If production rates are declining at a community water system, the ~~system~~ owner shall consult with the department to determine whether to:

- (1) Perform a pump test for each ***well*** water source in accordance with Env-Dw ~~304~~ ***302 for large community water systems and Env-Dw 305 for small community water systems;***
- (2) Monitor each well source to establish:
 - a. Static water level;
 - b. Stabilized pumping level;
 - c. Pumping rate;
 - d. Production volumes; and
 - e. Pump run times; or

- (3) Take some other action(s) to determine the cause(s) of the decline and to address the cause(s).

Env-Dw 504.05 Distribution System Flushing.

- (a) The ~~water system~~ owner ***of a PWS*** shall flush the distribution system:

- ~~(1) At~~ ***At*** least once every 2 years;~~;~~~~or~~

- ~~(2) more~~ ***More*** frequently ***than every 2 years*** if needed,~~so as~~ to maintain the cleanliness of the distribution piping;

- (3) Less frequently than 2 years if drought conditions limit production capacity or a waiver is granted by the department pursuant to Env-Dw 202, because asset management and/or maintenance records show that a frequency of over 2 years satisfies flushing objectives.***

- (b) Flushing shall be done at times of minimum system usage whenever possible.

- (c) For ~~systems~~***PWSs*** serving less than 100 individuals, regardless of the number of customers, the owner shall give written notice at least one week in advance of the intended flushing date by first class mail, e-mail, or hand-delivery to all premises served by the ~~system~~***PWS*** in the area that will be affected by the flushing.

- (d) For ~~systems~~***PWSs*** serving 100 or more individuals, regardless of the number of customers, the owner shall give notice at least one week in advance of the intended flushing date to all premises served by the ~~system~~***PWS*** in the area that will be affected by the flushing by ***one or more of the following methods, at the election of the PWS owner:***

- ~~(1) Written notice~~ ***In writing and*** delivered by first class mail, ***email***, or hand-delivery;

- ~~(2) E-mail or other~~ ***Other*** electronic means such as reverse 911 telephone service; ***or***

- (3) Publishing a copy of the notice in a newspaper of general circulation for the area served by the ~~system~~***PWS***; or

- ~~(4) Any combination of (1) through (3), above.~~

- (e) If the PWS has a website, the owner shall supplement the notice provided pursuant to (c) or (d) above, by posting a notice on the PWS website.***

- ~~(e)~~***(f)*** The flushing shall be continued until the water runs clear, at a flushing flow rate of not less than ~~2.5-3~~ feet per second.

Env-Dw 504.06 Distribution Valve Operation.

- (a) The ~~water system~~ owner ***of a PWS*** shall fully turn each distribution system ~~gate~~-valve either:

- (1) At least once every 12 months; or

- (2) At the frequency identified in ~~water system's~~***the PWS's*** operations and maintenance manual or rules, provided that not less than 20% of the valves are operated annually and all valves are operated at least once every 5 years;

(3) Less frequently than every 5 years if a waiver is granted by the department pursuant to Env-Dw 202, because asset management and maintenance records, as applicable, demonstrate that a frequency of over 5 years satisfies valve operability objectives.

(b) This activity shall be scheduled to minimize the potential impact on customers.

Env-Dw 504.07 Service Line and Water Meter ***Installation and*** Maintenance Policy.

(a) Unless the ~~water system~~PWS has adopted formal rules to the contrary, the service line and service meter policy shall be as follows:

(a1) The ~~water system~~owner of a PWS shall be responsible for the service line from the water main to the curb stop;

(b2) The service customer shall be responsible for the service line from the curb stop to the customer's premises; and

(c3) The ~~water system~~ owner of a PWS shall be responsible for any required service meters.

(b) The owner of a PWS shall select, size, install, and maintain all required water meters in accordance with:

(1) The specifications of the manufacturer; and

(2) The procedures and protocols described in "Manual of Water Supply Practices, Water Meters – Selection, Installation, Testing, and Maintenance," document identification number AWWA M6, American Water Works Association, 2012, available as noted in Appendix C.

Env-Dw 504.08 Distribution Records.

(a) ~~E~~Each PWS, including a community water system, and privately owned redistribution~~s~~ system, and ~~water system~~ with exterior distribution piping shall maintain and update, on an annual basis and based on the best information available to the owner, the water system's:

(1) ~~R~~ecord drawings, which shall conform to the requirements listed in Env-Dw 405.33(d) regardless of service population; and

(2) ~~T~~ie location records based on the best information available to the owner.

(b) Information that has not been positively confirmed shall be noted as estimated on all records.

(c) ~~A~~Paper copies, digital copyies, or both, if available, of the ~~water system's~~PWS's record drawings and tie location records shall be available to the department for review and use in preparing state-wide digital drawings and records.

Env-Dw 504.09 Storage Tank Inspection and Maintenance.

(a) At least once every 5 years, the ~~water system~~ owner of a PWS shall have each water storage tank used by the system ~~to be~~ inspected to the maximum extent practical and evaluated for structural strength, corrosion, and other factors related to water quality and tank integrity.

(b) Tanks with a capacity of 20,000 gallons or less, ***and less than 20 years in age***, shall not be required to be inspected internally unless there is a basis for questioning the tank's integrity or believing that the tank may be adversely affecting water quality.

Text added to existing rules in ***bold italics***
Text deleted from existing rules shown ~~struck through~~
Explanatory comments in *{bracketed purple italics}*

(c) Metal storage tank surfaces shall be painted or otherwise protected as determined by the ~~system~~ ~~owner~~ ***tank inspection report recommendations***, using materials approved in accordance with ~~Env-Ws 305~~ ~~or successor rules in subtitle~~ Env-Dw ***403***.

(d) The owner ***of a PWS*** shall maintain emergency access to the tank's filler pipe.

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented
Env-Dw 503	RSA 485:1; RSA 485:10; RSA 485:11; RSA 485:43
Env-Dw 504	RSA 485:1; RSA 485:11; RSA 485:43

APPENDIX B: STATUTORY DEFINITIONS

RSA 332-E:1

II. "Certificate" means a certificate of competency issued by the department stating that the operator has met the particular requirements set by the department for certification at his level of operation.

III. "Department" means the department of environmental services.

IV. "Operator" means the individual who has full responsibility for the operation of a water treatment plant or water distribution system and any individual who normally has charge of an operating shift, or who performs important operating functions including analytical control.

V. "Water distribution system" means that portion of the public water system which includes sources, pipes, storage facilities, pressure booster facilities, and all measuring and control devices used to convey potable water to the system users.

VI. "Water treatment plant" means the portion of the public water supply system which in some way alters the physical, chemical, or bacteriological quality of the water being treated.

RSA 485:1-a

XIV-a. "Privately owned redistribution system" means a system for the provision of piped water for human consumption which does not meet the definition of public water system under paragraph XV, and meets all the following criteria: (1) obtains all of its water from, but is not owned or operated by, a public water system; (2) serves a population of at least 25 people, 10 household units, or 15 service connections, whichever is fewest, for at least 60 days per year; and (3) has exterior pumping facilities, not including facilities used to reduce pressure, or exterior storage facilities which are not part of building plumbing.

Text added to existing rules in ***bold italics***
Text deleted from existing rules shown ~~struck through~~
Explanatory comments in *{bracketed purple italics}*

APPENDIX C: INCORPORATION BY REFERENCE INFORMATION

Rule Section(s)	Title	Dated	Obtain at:
Env-Dw 504.07(b)(2)	Manual of Water Supply Practices, Water Meters – Selection, Installation, Testing, and Maintenance,” document identification number AWWA M6, American Water Works Association	2012	American Water Works Association https://www.awwa.org/Publications/Manuals-of-Practice