

# NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

## TABLE OF CONTENTS

### CHAPTER Env-Dw 100 PUBLIC WATER SYSTEMS: PURPOSE AND APPLICABILITY; USE OF FEDERAL TERMS; SPECIAL PROVISIONS FOR POLITICAL SUBDIVISIONS; DEFINITIONS

#### PART Env-Dw 101 PURPOSE AND APPLICABILITY; USE OF FEDERAL TERMS

- Env-Dw 101.01 Purpose
- Env-Dw 101.02 Applicability
- Env-Dw 101.03 Terms Used in Federal Provisions Adopted by Reference

#### PART Env-Dw 102 SPECIAL PROVISIONS FOR POLITICAL SUBDIVISIONS

- Env-Dw 102.01 Exemption From Requirement Pursuant to Part 1, Article 28-a for Water Systems Owned by Political Subdivisions
- Env-Dw 102.02 Local Authority

#### PART Env-Dw 103 DEFINITIONS

- Env-Dw 103.01 Act
- Env-Dw 103.02 Action Level
- Env-Dw 103.03 Accredited
- Env-Dw 103.04 Analytical Gross Alpha
- Env-Dw 103.05 Approved Source
- Env-Dw 103.06 Backflow Prevention Device
- Env-Dw 103.07 Best Available Technology (BAT)
- Env-Dw 103.08 Blended Sample
- Env-Dw 103.09 Bottled Water
- Env-Dw 103.10 Coagulation
- Env-Dw 103.11 Community Water System
- Env-Dw 103.12 Compliance Gross Alpha
- Env-Dw 103.13 Consecutive System
- Env-Dw 103.14 Contaminant
- Env-Dw 103.15 Cross-Connection Control Program
- Env-Dw 103.16 Department
- Env-Dw 103.17 Disinfectant
- Env-Dw 103.18 Disinfection
- Env-Dw 103.19 Distribution System
- Env-Dw 103.20 Feasible
- Env-Dw 103.21 Filtration
- Env-Dw 103.22 Finished Water
- Env-Dw 103.23 Fire Protection
- Env-Dw 103.24 Groundwater Under the Direct Influence of Surface Water
- Env-Dw 103.25 Haloacetic Acids (five) (HAA5)
- Env-Dw 103.26 Halogen
- Env-Dw 103.27 Large Community Water System
- Env-Dw 103.28 Maximum Contaminant Level (MCL)
- Env-Dw 103.29 Maximum Contaminant Level Goal (MCLG)
- Env-Dw 103.30 Maximum Residual Disinfectant Level (MRDL)
- Env-Dw 103.31 Maximum Residual Disinfectant Level Goal
- Env-Dw 103.32 Maximum Total Trihalomethane Potential (MTTP)
- Env-Dw 103.33 Municipality
- Env-Dw 103.34 Municipal Water System
- Env-Dw 103.35 NH Drinking Water Rules
- Env-Dw 103.36 Nephelometric
- Env-Dw 103.37 Non-Community Water System

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- Env-Dw 103.38 Non-Transient Non-Community Water System (NTNC)
  - Env-Dw 103.39 Operator
  - Env-Dw 103.40 Owner
  - Env-Dw 103.41 Person
  - Env-Dw 103.42 Picocurie (pCi)
  - Env-Dw 103.43 Protected Water Source
  - Env-Dw 103.44 Public Water System
  - Env-Dw 103.45 Reliably and Consistently Below the MCL
  - Env-Dw 103.46 Rem
  - Env-Dw 103.47 Running Annual Average
  - Env-Dw 103.48 Sampling Point
  - Env-Dw 103.49 Sanitary Defect
  - Env-Dw 103.50 Sanitary Survey
  - Env-Dw 103.51 Seasonal System
  - Env-Dw 103.52 Secondary Maximum Contaminant Level (SMCL)
  - Env-Dw 103.53 Significant Deficiency
  - Env-Dw 103.54 Small Community Water System
  - Env-Dw 103.55 Supplier of Water
  - Env-Dw 103.56 Surface Water
  - Env-Dw 103.57 Surface Water/Ground Water Under the Direct Influence of Surface Water System  
(SW/GWUDISW System)
  - Env-Dw 103.58 System with a Single Service Connection
  - Env-Dw 103.59 Total Organic Carbon (TOC)
  - Env-Dw 103.60 Total Trihalomethanes (TTHM)
  - Env-Dw 103.61 Transient Non-Community Water System (TNC)
  - Env-Dw 103.62 Trihalomethane (THM)
  - Env-Dw 103.63 Treatment Technique Requirement
  - Env-Dw 103.64 Virus
  - Env-Dw 103.65 Waterborne Disease Outbreak
  - Env-Dw 103.66 Year-round Resident
- PART Env-Dw 104 ACCESS TO FILES
- Env-Dw 104.01 Access to Files

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Env-Dw 100 PUBLIC WATER SYSTEMS: PURPOSE AND APPLICABILITY; USE OF FEDERAL TERMS; SPECIAL PROVISIONS FOR POLITICAL SUBDIVISIONS; DEFINITIONS

Statutory Authority: RSA 485:2, V

REVISION NOTE:

Document #10606, effective 6-1-14, readopted with amendments and renumbered former rules Env-Ws 301.01 through Env-Ws 301.03, Part Env-Ws 302, Env-Ws 303.01, and Env-Ws 303.02 under a new subtitle as Chapter Env-Dw 100 entitled “Public Water Systems: Purpose and Applicability; Use of Federal Terms; Special Provisions for Political Subdivisions; and Definitions.” Document #10606 also adopted a new rule Env-Dw 101.03. The redesignation from subtitle Env-Ws to subtitle Env-Dw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05.

The former rules Env-Ws 301.01 through Env-Ws 301.03, Part Env-Ws 302, Env-Ws 303.01, and Env-Ws 303.02 had last been filed under Document #8498, effective 11-30-05, but they did not expire on 11-30-13 since they were extended pursuant to RSA 541-A:14-a until replaced by the rules in Document #10606, effective 6-1-14.

Document #10606 replaces all prior filings for the former rules Env-Ws 301.01 through Env-Ws 301.03, Part Env-Ws 302, Env-Ws 303.01, and Env-Ws 303.02. The prior filings for these former rules, beginning with Document #6521, effective 6-4-97, which had readopted with amendments the entire Chapter Env-Ws 300, include the following documents:

#6521, eff 6-4-97	#8360, INTERIM, eff 6-4-05
#7735, eff 8-2-02	#8498, eff 11-30-05

As organizational rules, the rules in Chapter Env-Dw 100 under Document #10606 will not expire except pursuant to RSA 541-A:17, II.

PART Env-Dw 101 PURPOSE AND APPLICABILITY; USE OF FEDERAL TERMS

Env-Dw 101.01 Purpose. The purpose of the rules in subtitle Env-Dw, and of such rules in Env-Ws 300 as remain until moved to subtitle Env-Dw is to:

(a) Protect public health by establishing the requirements applicable to public water systems as defined in RSA 485:1-a, XV; and

(b) Ensure that the public water system program implemented by the department is at least as stringent as that established by the U.S. Environmental Protection Agency (EPA) under the federal Safe Drinking Water Act and regulations adopted pursuant thereto.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 101.02 Applicability.

(a) The rules in subtitle Env-Dw and in Env-Ws 300, which establish drinking water rules pursuant to the NH Safe Drinking Water Act, RSA 485, shall apply to all public water systems.

(b) Operational rules, including those for monitoring and reporting, shall apply to a water system that meets the definition of a public water system as soon as it begins operation, regardless of the actual number of connections existing or the number of persons being served.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Dw 101.03 Terms used in Federal Provisions Adopted by Reference. Where 40 CFR 141 provisions are referenced in subtitle Env-Dw, the terms used in such provisions shall be as defined in 40 CFR 141.2 unless specifically modified or otherwise defined.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

PART Env-Dw 102 SPECIAL PROVISIONS FOR POLITICAL SUBDIVISIONS

Env-Dw 102.01 Exemptions from Requirements Pursuant to Part 1, Article 28-a for Water Systems Owned by Political Subdivisions.

(a) A rule identified in Table 102-1, below, shall not apply to a political subdivision pursuant to Part 1, Article 28-a of the N.H. Constitution, if:

(1) Compliance with the particular rule necessitates additional local expenditures by the political subdivision compared to compliance with the corresponding rule in Env-Ws 300 that was in effect prior to the effective date of the rule; and

(2) The state has not fully funded the additional expenditure and the local legislative body of the political subdivision has not approved funding to comply with the rule.

(b) The rules to which the exemption in (a), above, applies shall be as listed in Table 102-1, subject to the definitions in (c), below:

Table 102-1  
Post-1984 Requirements that Are Not Federal Requirements

Rule	Description
Env-Ws 307.01 or successor rules in Env-Dw 406 <sup>A</sup>	Standards of the American Water Works Association as described in (c)(1), below
Env-Dw 703.02, Env-Dw 710.05	Radon sampling for new water supply sources
Env-Dw 704.01(c) and Env-Dw 706.01(b)	Fluoride MCL and SMCLS in Table 704-1 and Table 706-1 for NTNC systems only as identified in Env-Dw 704.01(c)
Env-Dw 705.03(d)	MCLGs for disinfectant residual level goals in Table 705-4
Env-Dw 706	Monitoring for secondary contaminants
Env-Ws 360.13; Env-Dw 503.15	Inspection frequency of public water systems
Env-Ws 361.03; Env-Dw 504.04	5-year source pump test
Env-Ws 361.04; Env-Dw 504.05	Distribution system flushing
Env-Ws 361.05; Env-Dw 504.06	Operating distribution valves
Env-Ws 361.08; Env-Dw 504.09	Inspection and maintenance of storage tanks
Env-Ws 370.01 or successor rules in Env-Dw 401 <sup>B</sup>	General design standards as described in (c)(2), below
Env-Ws 370.02 or successor rules in Env-Dw 401	Design review fee
Env-Ws 370.03 or successor rules in Env-Dw 401 <sup>A</sup>	Quality of product and workmanship as described in (c)(1), below
Env-Ws 372.07 or successor rules in Env-Dw 404	Design review fee for small community water systems
Env-Ws 372.16 or successor rules in Env-Dw 404	Water supply quality
Env-Ws 372.17(f) or successor rules in Env-Dw 404	Extra tank for fire storage
Env-Ws 372.22(b) or successor rules in Env-Dw 404	Alarm silencer and labels
Env-Ws 372.22(e) or successor rules in Env-Dw 404	Pressure gauge
Env-Ws 372.22(f) or successor rules in Env-Dw 404	Immediate disinfection
Env-Ws 372.22(g) or successor rules in Env-Dw 404	Off / on / alarm for pump controls

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Rule	Description
Env-Ws 372.22(i) or successor rules in Env-Dw 404	Oiless air compressor
Env-Ws 372.23(g) or successor rules in Env-Dw 404	Air tube for electronic drawdown probe
Env-Ws 372.24(d)(2) or successor rules in Env-Dw 404	Passive cathodic protection system
Env-Ws 372.24(e) or successor rules in Env-Dw 404	Capped filler pipe
Env-Ws 372.25(b) or successor rules in Env-Dw 404	Wiring and control devices
Env-Ws 372.32(l) or successor rules in Env-Dw 404	Tracer tape above pipe
Env-Ws 372.32(m) or successor rules in Env-Dw 404	“Gate” on valve box
Env-Ws 373.06 or successor rules in Env-Dw 405	Design review fee
Env-Ws 373.14 or successor rules in Env-Dw 405	Water supply quality
Env-Ws 373.15 or successor rules in Env-Dw 405	Extra tank for fire storage
Env-Ws 373.17(b) or successor rules in Env-Dw 405	Pressure gauge
Env-Ws 373.17(c) or successor rules in Env-Dw 405	Off / on / alarm for pump controls
Env-Ws 373.17(d) or successor rules in Env-Dw 405	Oiless air compressor
Env-Ws 373.25 or successor rules in Env-Dw 405	“Gate” on valve box
Env-Ws 374.09 or successor rules in Env-Dw 403 <sup>A</sup>	Quality of products and workmanship as described in (c)(1), below

(c) The definitions for Table 102-1 shall be as follows:

(1) “A” means that relative to the standards of the American Water Works Association (AWWA) as incorporated by reference in Env-Ws 307.01 or successor rules in Env-Dw 406, only the changes since 1984 shall be subject to the exemption in (a), above.

(2) “B” means that relative to the Recommended Standards for Water Works, as incorporated by reference in Env-Ws 370.01 and Env-Ws 374.01 or successor rules in Env-Dw 401 and Env-Dw 403, only the changes since the 1982 edition shall be subject to the exemption in (a), above.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*

Env-Dw 102.02 Local Authority. Nothing in this chapter shall diminish any authority of a municipality to adopt or enforce any rules or ordinances respecting drinking water or public water systems, but no such rule or ordinances shall relieve any person of any requirements otherwise applicable under this chapter.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*

PART Env-Dw 103 DEFINITIONS

Env-Dw 103.01 “Act” means the New Hampshire Safe Drinking Water Act, RSA 485.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*

Env-Dw 103.02 “Action level” means the concentration of lead or copper in water, determined in accordance with Env-Dw 714, which determines the treatment requirements that a water system is required to complete.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*

Env-Dw 103.03 “Accredited” means certified to the standards of the New Hampshire environmental laboratory accreditation program (NH ELAP) as specified in Env-C 300.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Dw 103.04 “Analytical gross alpha” means total gross alpha activity as measured by the EPA approved methodologies, as specified in 40 CFR 141.25, and includes, but is not limited to, alpha particles from radium-226, uranium, thorium, and polonium. The term does not include radon.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.05 “Approved source” means a source of water used by a public water system for distribution to the public for consumptive purposes that has been approved by the department for such use.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.06 “Backflow prevention device” means a device that is designed to, and which in practice does, prohibit unwanted substances from flowing from a service connection into the water distribution pipes of a potable supply of water.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.07 “Best available technology (BAT)” means “best available technology” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.08 “Blended sample” means a sample that is representative of the water being distributed to consumers, where water is supplied from more than one source and the sources operate simultaneously or are automatically alternated between pump operating cycles and the water is combined before entering the distribution system.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.09 “Bottled water” means “bottled drinking water” as described in 21 CFR 165.110(a)(1), as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.10 “Coagulation” means “coagulation” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.11 “Community water system” means “community water system” as defined in RSA 485:1-a, I, as reprinted in Appendix B.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.12 “Compliance gross alpha” means the analytical gross alpha activity minus the uranium activity. Radon is not included in compliance gross alpha activity.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.13 “Consecutive system” means “consecutive system” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Dw 103.14 “Contaminant” means “contaminant” as defined in RSA 485:1-a, II, as reprinted in Appendix B.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.15 “Cross-connection control program” means a set of rules adopted by a water system which requires at least the installation of backflow prevention devices, periodic testing and inspection of these devices, and annual inspection reports of these devices to eliminate existing cross-connections and to prevent the possible occurrence of backflow or back-siphonage from contaminating the drinking water system.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.16 “Department” means “department” as defined in RSA 485:1-a, III, as reprinted in Appendix B.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.17 “Disinfectant” means “disinfectant” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.18 “Disinfection” means “disinfection” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.19 “Distribution system” means that portion of the public water system which includes pipes, storage facilities, pressure booster facilities, and all measuring and control devices used to convey potable water to the system users.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.20 “Feasible” means “feasible” as defined in RSA 485:1-a, V, as reprinted in Appendix B.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.21 “Filtration” means “filtration” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.22 “Finished water” means “finished water” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.23 “Fire protection” means one or more fire hydrants installed on a water system’s water distribution system that are sized and configured with the intent that they will be capable of supplying a sufficient quantity of water with adequate pressure for fighting fires.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Dw 103.24 “Groundwater under the direct influence of surface water” means “groundwater under the direct influence of surface water” as defined in 40 CFR 141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.25 “Haloacetic acids (five) (HAA5)” means “haloacetic acids (five) (HAA5)” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.26 “Halogen” means “halogen” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.27 “Large community water system” means a community water system which serves greater than 1,000 residents.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.28 “Maximum contaminant level (MCL)” means “maximum contaminant level” as defined in RSA 485:1-a,VII, as reprinted in Appendix B.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.29 “Maximum contaminant level goal (MCLG)” means “maximum contaminant level goal” as defined in RSA 485:1-a,VIII, as reprinted in Appendix B. Maximum contaminant level goals are non-enforceable health goals.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.30 “Maximum residual disinfectant level (MRDL)” means “maximum residual disinfectant level” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.31 “Maximum residual disinfectant level goal” means “maximum residual disinfectant level” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.32 “Maximum total trihalomethane potential (MTTP)” means “maximum total trihalomethane potential” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.33 “Municipality” means a city, town, or other public body created by or pursuant to State law, or an Indian tribal organization authorized by law.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Dw 103.34 “Municipal water system” means a public water system either owned and operated by a municipality, or an investor-owned public water system which serves a city, town, other public body created by or pursuant to state law, or Indian tribal organization authorized by law.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.35 “NH drinking water rules” means any rule contained in subtitle Env-Dw or in Env-Ws 300 until such rules are moved to subtitle Env-Dw.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.36 “Nephelometric” means the method of turbidity measurement required for public water supply sources by 40 CFR 141.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.37 “Non-community water system” means “non-community water system” as defined in RSA 485:1-a, X, as reprinted in Appendix B.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.38 “Non-transient non-community water system (NTNC)” means “non-transient non-community water system” as defined in RSA 485:1-a, XI, as reprinted in Appendix B.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.39 “Operator” means “operator” as defined in RSA 485:1-a, XII, as reprinted in Appendix B.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.40 “Owner” means the person who holds legal title to the real property, treatment facilities, distribution system, or other appurtenances, or any combination thereof, that comprise a public water system.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.41 “Person” means “person” as defined in RSA 485:1-a, XIII, as reprinted in Appendix B.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.42 “Picocurie (pCi)” means “picocurie” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

Env-Dw 103.43 “Protected water source” means a groundwater source not under the influence of surface water whose location meets the well location requirements specified in Env-Dw 405.13 or Env-Dw 406.11, as applicable, and whose sanitary protective area does not contain wastewater disposal systems, dumpsters, detention ponds, infiltration basins, animal pens, or other development that could introduce pathogens.

Source. #10770, eff 2-1-15

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Dw 103.44 “Public water system” means “public water system” as defined in RSA 485:I-a, XV, as reprinted in Appendix B.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.43)

Env-Dw 103.45 “Reliably and consistently below the MCL” means, for a particular contaminant, that each water quality test result is less than 80% of the applicable MCL based on sampling for at least 4 consecutive quarters.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.44)

Env-Dw 103.46 “Rem” means “rem” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.45)

Env-Dw 103.47 “Running annual average” means a calculation made to determine compliance with an MCL where all water quality data taken within a one-year period are averaged and that number compared to the respective MCL, in which the average is recalculated by considering each new data point and dropping from consideration those data points that are more than one year old.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.46)

Env-Dw 103.48 “Sampling point” means the entry point to the distribution system which is representative of each well or surface supply after treatment, which is representative of the water being distributed to consumers, and at which compliance samples are taken.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.47)

Env-Dw 103.49 “Sanitary defect” means “sanitary defect” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.48)

Env-Dw 103.50 “Sanitary survey” means an on-site inspection or review of the water source(s), facilities, equipment, operation, maintenance, and monitoring of a public water system to evaluate the adequacy of the system, including its sources and operations, to ensure the distribution of safe drinking water.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.49)

Env-Dw 103.51 “Seasonal system” means “seasonal system” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; ss and renumbered by #10770, *eff 2-1-15* (from Env-Dw 103.50)

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Dw 103.52 “Secondary maximum contaminant level (SMCL)” means “secondary maximum contaminant level” as defined in 40 CFR 143.2(f), as reprinted in Appendix C, which are for contaminants that primarily affect the aesthetic qualities of drinking water which in turn affect public acceptance of the drinking water.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-1*; renumbered by #10770 (from Env-Dw 103.51)

Env-Dw 103.53 “Significant deficiency” means a deficiency that can directly and adversely affect a public water system’s water quality or that can reduce the water system’s reliability and ability to deliver safe drinking water to its customers, including but not limited to defects in design, operation, or maintenance, or a failure or malfunction of the source(s), treatment, storage, or distribution system(s) that could cause or allow the introduction of fecal or microbial contamination into the water delivered to consumers.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-1*; renumbered by #10770 (from Env-Dw 103.52)

Env-Dw 103.54 “Small community water system” means a community water system that serves fewer than 1,000 residents and does not have fire protection provided by street hydrants.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.53)

Env-Dw 103.55 “Supplier of water” means “supplier of water” as defined in RSA 485:1-a, XVI, as reprinted in Appendix B.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.54)

Env-Dw 103.56 “Surface water” means water that is open to the atmosphere and subject to surface runoff.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.55)

Env-Dw 103.57 “Surface water/ground water under the direct influence of surface water system (SW/GWUDISW system)” means a public water system for which any source is surface water or ground water under the direct influence of surface water that is subject to Env-Dw 716.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.56)

Env-Dw 103.58 “System with a single service connection” means a system that supplies drinking water to consumers via a single service line.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.57)

Env-Dw 103.59 “Total organic carbon (TOC)” means the sum of the concentrations, in milligrams per liter (mg/L), of all organic carbon, measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to 2 significant figures.

Source. (See Revision Note at chapter heading for Env-Dw

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.58)

Env-Dw 103.60 “Total trihalomethanes (TTHM)” means “total trihalomethanes” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.59)

Env-Dw 103.61 “Transient non-community water system (TNC)” means a non-community water system that serves at least 25 persons in a transitory setting such as a restaurant for more than 60 days each year.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.60)

Env-Dw 103.62 “Trihalomethane (THM)” means “trihalomethane” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.61)

Env-Dw 103.63 “Treatment technique requirement” means a requirement of Env-Dw 716 or Env-Dw 717 which specifies for a contaminant a specific treatment technique(s) known to the department which leads to a reduction in the level of such contaminant sufficient to comply with the requirements of subtitle Env-Dw and Env-Ws 300 until such rules are moved to subtitle Env-Dw.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.62)

Env-Dw 103.64 “Virus” means “virus” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.63)

Env-Dw 103.65 “Waterborne disease outbreak” means “waterborne disease outbreak” as defined in 40 CFR §141.2, as reprinted in Appendix C.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.64)

Env-Dw 103.66 “Year-round resident” means an individual who lives in a residence served by the water system for greater than 6 months out of the year.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, *eff 6-1-14*; renumbered by #10770 (from Env-Dw 103.65)

PART Env-Dw 104 ACCESS TO FILES

Env-Dw 104.01 Access to Files.

(a) The files of the department relating to activities under RSA 485 that are not exempt from disclosure under RSA 91-A shall be open to public inspection as provided in RSA 91-A:4.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) Information that is available for public inspection may be copied.

Source. (See Revision Note at chapter heading for Env-Dw 100) #10606, eff 6-1-14

**APPENDIX A: STATE STATUTES AND FEDERAL /REGULATIONS IMPLEMENTED**

<b>Rule Section(s)</b>	<b>State Statute(s) Implemented</b>	<b>Federal Requirement(s) Implemented</b>
Env-Dw 101	RSA 485:1-16	
Env-Dw 102	RSA 541-A:25	
Env-Dw 103	RSA 485:1-16	40 CFR 141.2
Env-Dw 104	RSA 91-A:4	

**APPENDIX B: STATUTORY DEFINITIONS**

**RSA 485:1-a**

I. “Community water system” means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

II. “Contaminant” means any physical, chemical, biological or radiological substance or matter in the water.

V. “Feasible” means capable of being done with the use of the best technology, treatment techniques, and other means which the department finds, after examination for efficacy under field as well as laboratory conditions, is available at reasonable cost.

VII. “Maximum contaminant level” means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from the definition.

VIII. “Maximum contaminant level goal” means that level of a contaminant in water at which no known or anticipated adverse effects on the health of consumers occur and which allows an adequate margin of safety, as determined by federal and state agencies.

X. “Non-community water system” means a public water system that is not a community water system.

XI. “Non-transient non-community water system” means a system which is not a community water system and which serves the same 25 people, or more, over 6 months per year.

XII. “Operator” means the individual who has direct management responsibility for the routine supervision and operation of a public water system or of a water treatment plant or collection, treatment, storage, or distribution facility or structure that is a part of a system.

XIII. “Person” means any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.

XV. “Public water system” means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Any water system which meets all of the following conditions is not a public water system:

(a) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (b) Obtains all of its water from, but is not owned or operated by, a public water system; and
- (c) Does not sell water to any person.

XVI. “Supplier of water” means any person who controls, owns or generally manages a public water system.

### APPENDIX C: FEDERAL DEFINITIONS

#### **21 CFR §165.110 Bottled water.**

(a) *Identity*—(1) *Description*. Bottled water is water that is intended for human consumption and that is sealed in bottles or other containers with no added ingredients except that it may optionally contain safe and suitable antimicrobial agents. Fluoride may be optionally added within the limitations established in §165.110(b)(4)(ii). Bottled water may be used as an ingredient in beverages (e.g., diluted juices, flavored bottled waters). It does not include those food ingredients that are declared in ingredient labeling as “water,” “carbonated water,” “disinfected water,” “filtered water,” “seltzer water,” “soda water,” “sparkling water,” and “tonic water.” The processing and bottling of bottled water shall comply with applicable regulations in part 129 of this chapter.

#### **40 CFR §141.2**

*Best available technology* or *BAT* means the best technology, treatment techniques, or other means which the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration). For the purposes of setting MCLs for synthetic organic chemicals, any BAT must be at least as effective as granular activated carbon.

*Coagulation* means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

*Consecutive system* is a public water system that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

*Disinfectant* means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

*Disinfection* means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

*Finished water* means water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except as treatment necessary to maintain water quality in the distribution system (e.g. booster disinfection, addition of corrosion control chemicals).

*Groundwater under the direct influence of surface water* means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. Direct influence must be determined for individual sources in accordance with criteria established by the State. The State determination of direct influence may be based on site-specific measurements of water quality and/or documentation of well construction characteristics and geology with field evaluation.

*Haloacetic acids (five) (HAA5)* mean the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.

*Halogen* means one of the chemical elements chlorine, bromine or iodine.

*Maximum residual disinfectant level (MRDL)* means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. For

chlorine and chloramines, a PWS is in compliance with the MRDL when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a PWS is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as maximum contaminant levels under Section 1412 of the Safe Drinking Water Act. There is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Notwithstanding the MRDLs listed in §141.65, operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health to address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross-connections.

*Maximum Total Trihalomethane Potential (MTP)* means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after 7 days at a temperature of 25°C or above.

*Picocurie (pCi)* means the quantity of radioactive material producing 2.22 nuclear transformations per minute.

*Rem* means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A “millirem (mrem)” is 1/1000 of a rem.

*Sanitary defect* is a defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place.

*Seasonal system* is a non-community water system that is not operated as a public water system on a year round basis and starts up and shuts down at the beginning and end of each operating season.

*Total trihalomethanes (TTHM)* means the sum of the concentration in milligrams per liter of the trihalomethane compounds (trichloromethane [chloroform], dibromochloromethane, bromodichloromethane and tribromomethane [bromoform]), rounded to two significant figures.

*Trihalomethane (THM)* means one of the family of organic compounds, named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

*Waterborne disease outbreak* means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment, as determined by the appropriate local or State agency.