

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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PART Env-Dw 723 NON-CENTRAL TREATMENT

Env-Dw 723.01 Use of Non-Central Treatment.

(a) Subject to (b), below, point-of-entry (POE) or point-of-use (POU) treatment shall be used by a public water system (PWS or system) only where:

- (1) Alternate water sources are not feasible;
- (2) Centralized treatment is not feasible; and
- (3) The conditions specified in Env-Dw 723.06 are met.

(b) POU treatment shall be allowed only if POE treatment is not feasible.

(c) The practice of re-chlorinating water or otherwise enhancing a centralized treatment in a distribution system prior to the water being further distributed to multiple service connections shall not be considered non-central treatment that is subject to this part.

Source. (See Revision Note #6 at chapter heading for Env-Dw 700) #10618, eff 6-1-14

Env-Dw 723.02 Request to Approve Non-Central Treatment. To request approval to install and use POE or POU treatment, the system owner shall submit the following in writing to the department:

- (a) The name, location, and PWS identifier of the system;
- (b) The contaminant(s) proposed to be treated by the POE or POU devices;
- (c) An explanation, with supporting documentation, of the system's attempts to locate alternate sources;
- (d) An explanation, with supporting documentation, of why centralized treatment is not feasible;
- (e) The results of pilot testing for POE devices conducted pursuant to 40 CFR 141.100, if applicable;
- (f) An operations and maintenance plan which explains how:
  - (1) All units will be operated, scheduled for media or cartridge replacement, and monitored for total flow treated; and

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(2) Records will be maintained to ensure all units are operated correctly to ensure the contaminant is treated as proposed; and

(g) A contract with a certified operator that:

(1) Specifies the operator's obligations to maintain and sample all installed POE or POU treatment devices;

(2) Is for an initial term of not less than one year; and

(3) Is subject to renewal not more frequently than once each year .

Source. (See Revision Note #6 at chapter heading for Env-Dw 700) #10618, eff 6-1-14

Env-Dw 723.03 Department Action on Request to Approve Non-Central Treatment. The department shall approve a request to install and use POE or POU treatment if it determines that:

(a) A non-contaminated source is not available to the water system;

(b) Centralized treatment is not feasible;

(c) The water from the POE or POU treatment devices will:

(1) Meet all applicable MCLs; and

(2) Be of acceptable quality similar to water distributed by a properly-operated central treatment plant.

(d) The results of pilot testing, if required, indicate that each treatment option proposed would be effective in reducing the contaminant concentration to below the applicable MCL; and

(e) All current owners or renters of property served by the PWS agree to the implementation of the proposed POU or POE treatment, including the installation, operation, testing, and maintenance of the devices and the legal constraints on the property imposed by the installation of the devices by the system owner, as described in Env-Dw 723.07.

Source. (See Revision Note #6 at chapter heading for Env-Dw 700) #10618, eff 6-1-14

Env-Dw 723.04 Prerequisites to Implementing Approved Non-Central Treatment.

(a) Prior to installing any POE or POU treatment devices, the system owner shall:

(1) Develop and obtain approval for a monitoring plan as specified in (b) and (c), below; and

(2) Submit a design layout for the POE or POU treatment devices as specified in (d), below.

(b) The system owner shall develop the monitoring plan required by (a)(1), in consultation with the department, to:

(1) Be consistent with Env-Dw 707 through Env-Dw 713; and

(2) Include provisions for physical measurements, observations such as total flow treated, the mechanical condition of the treatment equipment, the microbiological purity of the water, and scheduled maintenance.

(c) The department shall approve the monitoring plan developed pursuant to (b), above, if the plan is adequate to ensure that the non-central treatment devices will provide health protection equivalent to central water treatment.

(d) The design layout required by (a)(2), above, shall:

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- (1) Ensure that all consumers will be equally protected;
- (2) Provide a POE or POU treatment device for each building connected to the system; and
- (3) Include certification from the manufacturer that the POE or POU treatment devices meet the applicable American National Standards Institute (ANSI) even when considering the tendency for an increase in heterotrophic bacteria concentrations in water treated with activated carbon.

Source. (See Revision Note #6 at chapter heading for Env-Dw 700) #10618, eff 6-1-14

Env-Dw 723.05 Non-Central Treatment Implementation Requirements.

(a) The requirements of this section shall apply after a system owner receives approval for the installation and use of POE or POU treatment devices pursuant to Env-Dw 723.02 and Env-Dw 723.03 and complies with Env-Dw 723.04.

(b) With respect to the contract required by Env-Dw 723.02(g), the system owner shall:

- (1) Not allow the contract to lapse for greater than 15 days; and
- (2) Make the contract available for review by department staff upon request.

(c) With respect to the POE or POU treatment devices installed, the system owner shall:

- (1) Operate and maintain each POE or POU treatment unit, including those installed in private homes or businesses, as specified in the monitoring plan approved under Env-Dw 723.04, by maintaining a contract with a certified operator for specific implementation of operation and maintenance;
- (2) Not delegate operation and maintenance responsibilities to home or business owners;
- (3) Submit data documenting that every building is subject to treatment and monitoring; and
- (4) Not separate the POE or POU treatment unit from the supply by sale, lease, or other conveyance of the property.

(j) Monitoring shall be in accordance with Env-Dw 723.09.

Source. (See Revision Note #6 at chapter heading for Env-Dw 700) #10618, eff 6-1-14

Env-Dw 723.06 Conditions for POE and POU Treatment.

(a) POE or POU treatment shall not be approved for:

- (1) Volatile contaminants;
- (2) Contaminants that cause staining or pipe deposits such as iron, manganese, and hardness; or
- (3) Acute contaminants such as bacteria, nitrate, or nitrite.

(b) POE or POU treatment shall be an alternate to centralized treatment to achieve compliance with the MCL requirements specified in Env-Dw 701 through Env-Dw 705.

(c) POE or POU treatment shall not be approved for use at new community water systems.

Source. (See Revision Note #6 at chapter heading for Env-Dw 700) #10618, eff 6-1-14

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Env-Dw 723.07 POE and POU User Agreement.

(a) The system owner shall provide all current owners or renters of property served by the PWS with educational information regarding:

- (1) How the POE or POU treatment device works;
- (2) How the treatment device(s) will be operated, sampled, and maintained; and
- (3) The health effects associated with the contaminant being treated.

(b) The system owner proposing to use POE or POU treatment shall provide to the department:

- (1) Written verification of the acceptance of non-central treatment by all current owners and renters; and
- (2) Written verification of the willingness of the customers of each property to be served by POE or POU treatment to grant an easement or other covenant or legally binding contract for the property that requires any future owner of that service connection or property to abide by the POE or POU treatment.

Source. (See Revision Note #6 at chapter heading for Env-Dw 700) #10618, eff 6-1-14

Env-Dw 723.08 POE and POU Equipment Requirements.

(a) The POE or POU treatment device shall be owned or leased by the system owner.

(b) The POE or POU treatment device shall be installed and maintained by the system owner, provided however that the system owner may contract maintenance and the repair of the devices to other water industry professionals including certified water operators.

(c) All devices shall have a mechanical warning indicator showing the treatment capacity remaining. Within 7 days after the mechanical warning device indicates that the treatment capacity has been met, the system owner shall maintain and test the unit according to manufacturer specifications.

(d) The POE or POU treatment device shall be certified under the applicable American National Standards Institute (ANSI) standards for the intended treatment objective(s).

(e) Subject to (f), below, all POE or POU treatment devices shall be of the same treatment method and brand name at the time of the initial installation.

(f) A system owner may request the department to waive the requirement in (e), above, based on:

- (1) The needs of variable-sized customers connected to the water system;
- (2) Unique purity needs of certain customers;
- (3) The system's evaluation of the benefits of different devices; or
- (4) Any other factors that support the request.

(g) The request shall be submitted as a waiver request in accordance with Env-Dw 202.

Source. (See Revision Note #6 at chapter heading for Env-Dw 700) #10618, eff 6-1-14

Env-Dw 723.09 POE and POU Monitoring Requirements.

(a) Unless otherwise specified in the treatment approval, the system owner shall collect a sample of treated water and have the sample tested for the contaminant(s) from each POE or POU device:

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- (1) Within 6 months of initial installation; and
- (2) Annually thereafter as specified in the system's sampling schedule provided by the department in accordance with Env-Dw 708.

(b) If any result from any POE or POU device exceeds the MCL for the contaminant being treated, the system owner shall submit flow and maintenance records and results from all devices installed at that PWS to the department to collaboratively determine the frequency of subsequent monitoring of that unit.

(c) Compliance shall be determined for each unit based on the running annual average of results from samples collected at each POE or POU device.

Source. (See Revision Note #6 at chapter heading for Env-Dw 700) #10618, eff 6-1-14

Env-Dw 723.10 Violation of MCL when using POE or POU.

(a) For purposes of this section, an MCL violation for a particular contaminant occurs when the running annual average is greater than the MCL at any POE or POU device, whether one or more samples are collected.

(b) If an MCL violation occurs, upon receiving notice of the violation the system owner shall:

- (1) Within 3 days, provide the standard MCL violation notice in accordance with Env-Dw 800 to the customer(s) having the exceedance and submit proof of public notice to the department within 10 days of distribution;
- (2) Make repairs to the device within 7 days; and
- (3) Test the repaired device within 7 days of repair to determine whether the MCL is being met.

(c) If the violation occurs at a community water system, the system owner shall include information about the violation in the consumer confidence report (CCR) required by Env-Dw 811.

(d) If the violation occurs at a non-community water system, the system owner shall post public notice as follows:

- (1) At the location of the POU treatment device where the MCL was exceeded, for a minimum of 7 days, if the violation arises at a POU; or
- (2) If the violation arises at a POE treatment device, on a main bulletin board or other conspicuous place in the facility served by the POE treatment device.

(e) If violations of POE or POU devices occur on a yearly basis, the department shall determine the adequacy of the devices and the operations and maintenance plan established pursuant to Env-Dw 723.01(f) by evaluating the history of monitoring data and reviewing flow, operation and maintenance records for all devices installed at the PWS.

(f) If the department determines that a previously-approved non-central treatment concept is compromising the quality of water delivered to consumers, the department shall evaluate the need to 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.

Source. (See Revision Note #6 at chapter heading for Env-Dw 700) #10618, eff 6-1-14

Env-Dw 723.11 POE and POU Ongoing User Education.

(a) Where POE or POU treatment is used, the system owner shall annually provide written educational materials to water users concerning the importance of using POE or POU treated water for drinking water consumption and food preparation.

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(b) For community water systems, the system owner may include the educational materials required by (a), above, in the CCR required by Env-Dw 811.

(c) All new residents shall be given this educational notice within 15 days of the beginning of water service.

(d) The educational materials shall be worded as follows:

“Periodic Educational Notice

The (name of system) public water system has chosen to use (insert point-of-entry, point-of-use, or both, as applicable) treatment to reduce the concentration of (name of contaminant) in the water system serving (name of users).

(Insert applicable paragraph)

In point-of-entry (POE) treatment, a treatment device is installed to treat all of the water entering one particular building or service connection.

In point-of-use (POU) treatment, a small treatment device is installed on only one faucet in each unit served by the water system, rather than using a large central treatment process at the source of water. The POU treatment device typically is placed on the kitchen faucet. This type of treatment is an acceptable alternative to centralized treatment because there is no health concern relative to using untreated water for dish washing, personal hygiene, and other non-consumptive uses from other faucets in your home. The water at all other faucets in your home/office/building exceeds the maximum contaminant level (MCL) for (contaminant) and should not be used for consumption or used in any food preparation

The results for treated water within our public water system range from (lowest concentration) parts per million (ppm) to (highest concentration) ppm. (Number of violations) violations was/were documented in calendar year (year). For further information, please call (name of water system contact) at (telephone number).”

The following paragraph explains the potential adverse health effects for (contaminant). (Insert applicable health effects language found in Env-Dw 800).”

(d) Where POE or POU treatment devices are installed to treat fluoride in a community water system or a non-transient, non-community water system that serves children under the age of 9, the system owner shall distribute annual public notification for fluoride to the location where the exceedance occurred in accordance with Env-Dw 803.01 if any result is greater than the secondary MCL.

(e) Where POE or POU treatment devices are installed in a non-transient, non-community water system, all sinks where users may access water for drinking water or washing shall be posted to identify whether the water is potable or non-potable.

Source. (See Revision Note #6 at chapter heading for Env-Dw 700) #10618, eff 6-1-14

**APPENDIX A - STATUTES/REGULATIONS IMPLEMENTED**

<b>Rule Section(s)</b>	<b>State Statute(s) Implemented</b>	<b>Federal Regulation(s) Implemented</b>
Env-Dw 723	RSA 485:3, I, V, & VI; RSA 485:41, II	40 CFR 141 Subpart J; 40 CFR 142 Subpart F