

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Env-Dw 900 PROTECTION OF WATER SOURCES

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CHAPTER Env-Dw 900 PROTECTION OF WATER SOURCES

PART Env-Dw 901 GROUNDWATER RECLASSIFICATION

REVISION NOTE:

Document #8747, effective 10-28-06, readopted with amendments and renumbered former Part Env-Ws 420, entitled Groundwater Reclassification, under a new subtitle as Part Env-Dw 901. 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.

Document #8747 replaces all prior filings for rules formerly in Env-Ws 420. The prior filings for rules in former Env-Ws 420 include the following documents:

#5542, eff 12-24-92

#6921, eff 12-24-98

Env-Dw 901.01 Purpose. The purpose of the rules in this part is to implement RSA 485-C:5 and RSA 485-C:7 - 12 relative to groundwater reclassification and management of wellhead protection areas and other locally important groundwater.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14

Env-Dw 901.02 Applicability. The rules in this part shall apply to:

(a) A any person seeking a reclassification of groundwater as allowed under RSA 485-C:9; and

(b) Any local entity that has requested and obtained a groundwater reclassification for which RSA 485-C:8 requires on-going management of potential contamination sources.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14

Env-Dw 901.03 Standard Terms. Any terms used in this part that are subject to Env-Dw 101.03 or that are defined in Env-Dw 103 shall have the meaning established therein.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14

Env-Dw 901.04 Part-Specific Definitions.

(a) “Best management practice” means “best management practice” as defined in RSA 485-C:2, II, as reprinted in Appendix B.

(b) “Boundary change” means the reclassification of some portion(s) of an area that has been reclassified pursuant to Env-Dw 901.06.

(c) “Class” means class of groundwater.

(d) “Contact person” means an individual who can be contacted on behalf of a local entity or other person who is submitting a request to the department regarding the request.

(e) “Contributing area” means “contributing area” as defined in RSA 485-C:2, IV, as reprinted in Appendix B.

(f) “Groundwater” means “groundwater” as defined in RSA 485-C:2, VIII, as reprinted in Appendix B.

(g) “Inventory inspection” means a field verification conducted by the department or a local entity to determine whether an activity within the contributing area of a proposed groundwater reclassification that has

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been identified as a potential contamination source actually uses, handles, or stores regulated substances subject to the best management practices listed in Env-Wq 401.

(h) “Local entity” means “local entity” as defined in RSA 485-C:2, X, as reprinted in Appendix B.

(i) “Management inspection” means a periodic inspection conducted by a local entity to ensure that potential contamination source activities are in compliance with applicable best management practices.

(j) “New facility” means any facility established or activity commencing:

- (1) After reclassification, in an area that was reclassified to GAA prior to October 28, 2006; or
- (2) After the department issues a notice pursuant to Env-Dw 901.11 that a complete reclassification application has been received, for an area that is proposed to be reclassified to GAA after October 28, 2006, unless the department subsequently denies the reclassification request.

(k) “Person” means “person” as defined in RSA 485-C:2, XI, as reprinted in Appendix B.

(l) “Potential contamination source” means “potential contamination sources” as described in RSA 485-C:7, as reprinted in Appendix B.

(m) “Regulated contaminant” means “regulated contaminant” as defined in RSA 485-C:2, XIII, as reprinted in Appendix B.

(n) “Regulated substance” means any of the following, with the exclusion of substances used for the treatment of drinking water or waste water at department approved facilities:

- (1) Oil as defined in RSA 146-A:2, III, as reprinted in Appendix B;
- (2) Any substance that contains a regulated contaminant for which an ambient groundwater quality standard has been established pursuant to RSA 485-C:6; and
- (3) Any substance listed in 40 CFR 302, 7-1-13 edition.

(o) “Resource recovery facility” means any facility engaged in an activity beyond sorting or physical volume reduction methods, to treat or process solid waste into usable secondary materials or products, including but not limited to fuel, energy, or compost.

(p) “Transmissivity” means “transmissivity” as defined in RSA 485-C:2, XVI, as reprinted in Appendix B.

(q) “Wellhead protection area” means “wellhead protection area” as defined in RSA 485-C:2, XVIII, as reprinted in Appendix B.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.03)

Env-Dw 901.05 Classes of Groundwater. Groundwater shall be classified as specified in RSA 485-C:5, I, and summarized in table 901-1, below:

Table 901-1: Groundwater Classes

Class	Description
GAA	Groundwater within the wellhead protection area for wells that are currently used, or well sites that have been identified for future use, as sources of drinking water for public water systems
GA1	Groundwater in a defined zone of high value for present or future drinking water supply

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Class	Description
GA2	Groundwater within aquifers identified as highly productive for potential use as a public water supply by the U.S. Geological Survey (USGS) regional groundwater studies or other regional studies
GB	Groundwater not assigned to a higher class

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.04)

Env-Dw 901.06 Requests for Reclassification of Groundwater to GAA or GA1. A local entity requesting a reclassification of groundwater to GAA or GA1 shall provide the following to the department:

(a) A completed reclassification request form as specified in Env-Dw 901.07, which shall constitute the written request required by RSA 485-C:9, II or III, as applicable;

(b) If the local entity is a duly-constituted municipal unit, the written concurrence of the local governing body as required by RSA 485-C:9, II or III, as applicable, which may be in the form of certified minutes of the meeting at which the agreement occurred;

(c) If the request is for reclassification to GAA, a wellhead protection area delineation as required by RSA 485-C:9, II or III, as applicable, performed in accordance with Env-Dw 901.12;

(d) If the request is for reclassification to GA1, a definition of the contributing area of high value groundwater for present or future drinking water supply as required by RSA 485-C:9, II or III, as applicable, prepared in accordance with Env-Dw 901.13;

(e) A potential contamination source inventory report as required by RSA 485-C:9, II or III, as applicable, prepared in accordance with Env-Dw 901.16;

(f) A potential contamination source management program as required by RSA 485-C:9, II or III, as applicable, prepared in accordance with Env-Dw 901.17; and

(g) A description of the informational meeting held in accordance with Env-Dw 901.14 if the local entity chooses to hold one, including the following information:

- (1) The date of meeting;
- (2) The location of meeting;
- (3) The number of people attending; and
- (4) The location where meeting notice was posted and newspaper in which it was published.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.05)

Env-Dw 901.07 Reclassification Request Form.

(a) The local entity requesting reclassification shall provide the following information pursuant to Env-Dw 901.06(a):

- (1) The date of the request;
- (2) The name of the local entity that is submitting the request;
- (3) The name, mailing address, and daytime telephone number of a contact person and, if available, a fax number and e-mail address for the contact person;

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(4) Whether the request is for reclassification to GAA or GA1 or both; and

(5) The name of each municipality in which the groundwater is located.

(b) The local entity requesting reclassification shall submit U.S. Geological Survey (USGS) 7.5 minute series quadrangle map(s) showing the area in which the groundwater is located with the completed form.

(c) A duly-authorized representative of the local entity submitting the request shall sign and date the form and print or type his or her name and title.

(d) The signature provided pursuant to (c), above, shall constitute certification that the information provided on the form and with the request is true, complete, and not misleading to the best knowledge and belief of the signer.

(e) If the area(s) to be reclassified are within a municipality other than the one filing the request, a duly-authorized representative of each such municipality shall sign and date the form and print or type his or her name and title.

(f) Each signature provided pursuant to (e), above, shall indicate that the municipality is aware of the reclassification request and does not oppose the request.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14

Env-Dw 901.08 Requests for Review of Groundwater Classified as GAA or GA1.

(a) A person requesting the department to review a contributing area classified as GAA or GA1 to determine whether the requirements for inventory and management of potential contamination sources are being met as provided in RSA 485-C:9, V, shall submit a report to the department that explains the reason(s) why the person believes the requirements for the present classification are not being met.

(b) After receiving a request pursuant to (a), above, the department shall:

(1) Proceed in accordance with RSA 485-C:9, V(a); and

(2) Notify in writing the person requesting the review and the local entity of its actions.

(c) If the department determines that a deficiency in the inventory and management program exists and has not been corrected within the time required by RSA 485-C:9, V(a), the commissioner shall propose to reclassify the groundwater as GB unless the department has adequate resources to take over the inspection and management program.

(d) Prior to finalizing the reclassification, the department shall provide notice and hold a public hearing as required by RSA 485-C:9, VI.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.07)

Env-Dw 901.09 Requests for Reclassification of Groundwater to GA2.

(a) As specified in RSA 485-C:9, IV, upon receipt of a report or study that identifies areas of bedrock or stratified drift aquifers that are highly productive for public water supply, the department shall recommend to the commissioner that a reclassification to GA2 should occur if the areas:

(1) Meet the criteria for the class; and

(2) Are not already classified as GAA or GA1.

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(b) A request to reclassify an area to GA2 shall include:

- (1) The name, mailing address, and daytime telephone number of the requestor and, if the requestor is other than an individual, the name and daytime telephone number of a contact person;
- (2) The date, title, and author of the report or study;
- (3) The name of each municipality in which the groundwater is located;
- (4) A copy of the report or study; and
- (5) A narrative explaining the reasons for the request.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.08)

Env-Dw 901.10 Requests for Boundary Changes.

(a) A person who wishes to request a change in the boundary of groundwater that has been classified pursuant to this part shall submit the following information in writing to the department:

- (1) The date of the request;
- (2) The name, mailing address, and daytime telephone number of the requestor and, if the requestor is other than an individual, the name and daytime telephone number of a contact person;
- (3) The name of each municipality in which the boundaries lie;
- (4) The classification and location of groundwater under review;
- (5) The USGS 7.5 minute series quadrangle map(s) showing the existing and proposed boundaries of the groundwater classification; and
- (6) A narrative explaining the reasons for the request.

(b) If the department determines that the request is based on information not presented at the time of the initial classification of the groundwater, then the department shall take action on the request in accordance with Env-Dw 901.11.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.09)

Env-Dw 901.11 Department Action on Requests for Reclassification or Boundary Changes.

(a) Upon receipt of a request for reclassification of groundwater to GAA or GA1, for a boundary change, or for reclassification to GA2, the department shall determine whether all of the requisite information for the application has been received, as specified in:

- (1) Env-Dw 901.06 and Env-Dw 901.07 for reclassification of groundwater to GAA or GA1;
- (2) Env-Dw 901.09 for reclassification to GA2; or
- (3) Env-Dw 901.10 for a boundary change.

(b) If the department determines that the request is complete, the department shall:

- (1) Acknowledge receipt of the request in writing to the local entity or other person making the request and each municipality in which the groundwater is located; and

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(2) Schedule and issue notice of a public hearing on the request in accordance with RSA 485-C:9, VI.

(c) If the department determines that the request is not complete, the department shall notify the local entity or other person filing the request in writing of the information that is needed to complete the request.

(d) The department shall conduct the public hearing held pursuant to (b)(2), above, in accordance with the provisions of Env-C 200 that apply to non-adjudicative hearings.

(e) Following the public hearing, the department shall notify in writing the local entity or other person requesting the reclassification or boundary change and each municipality in which the groundwater is located of the department's decision on the request. If the request is denied, the written decision shall specify the reason(s) for the denial.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.10)

Env-Dw 901.12 Wellhead Protection Area Delineations.

(a) A local entity requesting reclassification to GAA shall prepare, or request the department to prepare, a wellhead protection area delineation that covers each well included in the area that is the subject of the request.

(b) If the local entity requests the department to prepare the delineation, the request shall:

(1) Be submitted on official letterhead; and

(2) Include the following:

a. The date of the request;

b. The name of the local entity;

c. The name, mailing address, and daytime telephone number of a contact person and, if available, a fax number and e-mail address;

d. The municipality in which the well is located;

e. The name and PWS identification number of the well;

f. The well type;

g. The population and municipalities served by the well;

h. The name, mailing address, and daytime telephone number of the well owner;

i. The street address and locus map of well location;

j. Hydrogeological or engineering reports, if available; and

k. Any site specific information available for the well site, that is available, such as well siting report(s), boring logs, and pumping test report(s).

(c) If the local entity is performing the delineation for department review, the request to review the delineation shall include all information considered in preparing the delineation.

(d) Wellhead protection area delineations shall be based on the information specified in (b)(2), above.

(e) Upon reclassification to GAA, any challenge to the delineated boundaries shall be made in accordance with Env-Dw 901.10.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.11)

Env-Dw 901.13 Delineations of Groundwater and Well Sites for Present or Future Drinking Water Supply.

(a) A local entity requesting reclassification to GA1 shall identify areas that are currently used or will be used for future drinking water supply on USGS 7.5 minute series topographic maps.

(b) The requestor under (a), above, shall provide a map, accompanied by a report, that includes the following information:

- (1) The relationship of the proposed area to existing or planned drinking water supplies, including any hydrogeologic information which supports the definition of the area drawn on the map; and
- (2) A description of the extent to which the groundwater is or will be used for drinking water purposes.

(c) A local entity requesting reclassification to GAA of a wellhead protection area for a well site that has been identified for future use shall submit the information specified in (a) and (b), above, and the following:

- (1) An estimate of the projected production volume of the well expressed in gallons per day;
- (2) For wells with projected production volumes less than 57,600 gallons per day, a delineation of the wellhead protection area or a map with a circle using a radius drawn from the well to a linear distance based upon the projected volume in accordance with Env-Dw 301.07(b)(2), Table 301-2; and
- (3) For wells with projected production volumes of 57,600 gallons per day or greater, a delineation of the wellhead protection area or a map with a circle using a radius drawn from the well to a linear distance of 4,000 feet.

(d) For reclassifications using a delineation completed per (c)(2) or (c)(3), above, when a final wellhead protection area delineation is completed under Env-Dw 301 or Env-Dw 302, or if a more accurate delineation has been completed, the local entity shall submit the subsequent delineation to the department with a request to change the reclassification boundaries in accordance with Env-Dw 901.10.

(e) Upon reclassification to GAA or GA1, any challenge to the delineation shall be made in accordance with Env-Dw 901.10.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.12)

Env-Dw 901.14 Informational Meeting.

(a) An informational meeting may be held by the local entity seeking reclassification prior to performing an inventory inspection or developing a management program in order to explain to interested parties that it is seeking reclassification of groundwater.

(b) If the local entity is not a private supplier of water, the estimated cost of seeking and maintaining reclassification shall be presented at the meeting held pursuant to (a), above.

(c) The notice of the informational meeting shall be:

- (1) Published by the local entity in a newspaper of general circulation in the municipality affected; and

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(2) Posted in at least 2 public places, one of which shall be the local entity's web site if the local entity has a web site.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.13)

Env-Dw 901.15 Performing an Inventory of Potential Contamination Sources. A local entity requesting reclassification to GAA or to GA1 shall:

- (a) Perform the required inventory of potential contamination sources by:
- (1) Reviewing human activities and operations to determine whether potential contamination sources such as those listed in RSA 485-C:7, II are located within the area proposed to be reclassified; and
 - (2) Recording the information specified in RSA 485-C:8, II for each potential contamination source; and
- (b) Submitting an inventory report in accordance with Env-Dw 901.16.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.14)

Env-Dw 901.16 Inventory Report.

- (a) The inventory report submitted pursuant to Env-Dw 901.15(b) shall include:
- (1) The information required by RSA 485-C:8, II; and
 - (2) A description of how the inventory was performed and what sources were used to ensure its completeness.
- (b) If the groundwater is reclassified as requested, the local entity shall provide a copy of an inventory report to the department every 3 years that has been updated based on the inspections required by RSA 485-C:III(c).
- (c) The local entity shall submit each inventory report as a paper report and, if available, in a computer database format that is compatible with the format of a department database.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.15)

Env-Dw 901.17 Management Program.

- (a) A local entity requesting reclassification to GAA or to GA1 shall include in its request a plan for a potential contamination source management program that will meet the requirements of RSA 485-C:8, III.
- (b) The potential contamination source management program plan provided pursuant to (a), above, shall include the following:
- (1) A description of the process for updating the inventory at intervals no greater than 3 years, as required by RSA 485-C:8, III(a);
 - (2) A description of the process for written notification to the owner of each potential contamination source listed in the inventory at intervals no greater than 3 years, as required by RSA 485-C:8, III(b);

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- (3) A list of the name of the owner and the site address and tax map and lot number of each property within the area proposed to be reclassified, submitted in paper format and, if available, in a computer database format that is compatible with the format of a department database suitable for the department to use in preparing mailing labels so as to meet the notification requirements of RSA 485-C:9, VI(b);
 - (4) A list of all facilities requiring or having release detection permits issued pursuant to Env-Or 700 or predecessor rules in Env-Wm 1403 within the area proposed to be reclassified;
 - (5) The process for performing a management inspection in accordance with Env-Dw 901.18 of all potential contamination sources located within the area proposed to be reclassified at least once every 3 years to ascertain compliance with best management practices for preventing groundwater contamination, provided, however, that pesticides regulated under RSA 420:28-48 and agricultural operations which are operated in compliance with all applicable chapters of RSA title XL and best management practices developed, administered and enforced by the New Hampshire department of agriculture, markets, and food shall not be subject to inspection under these rules, pursuant to RSA 485-C:8, III, (c) (1) and (2); and
 - (6) An assessment of the ability of the local entity to implement and maintain the potential contamination source management program.
- (c) The written notification to each potential contamination source described in (b)(2), above, shall include:
- (1) The name and address of the contact person for the local entity requesting reclassification, and, for GAA areas, the location(s) of the well(s) for which the wellhead protection area was delineated;
 - (2) A statement that the potential contamination source is in a wellhead protection area, an area likely to have groundwater below it that is drawn to a community water supply well, or an area of potential use for future public water supply, as applicable;
 - (3) A statement of what the present use of the property is and a statement that it is considered to have potential for groundwater contamination;
 - (4) A copy of Env-Wq 401 relative to best management practices for preventing groundwater contamination;
 - (5) A statement that any unpermitted discharge to groundwater, or contamination of groundwater, is illegal under RSA 485-A:13 and Env-Or 700 and Env-Wq 402; and
 - (6) The name and phone number of a contact person and affiliated agency to call at the local level and at the state level to answer any questions about the program.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.16)

Env-Dw 901.18 Performance of Management Inspections.

- (a) As required by RSA 485-C:8, III(c), the local entity shall conduct management inspections of potential contamination sources in contributing areas for groundwater classified as GAA or GA1 at least once every 3 years, provided, however, that pesticides regulated under RSA 430:28-48 and agricultural operations which are operated in compliance with all applicable chapters of RSA title XL and best management practices developed, administered, and enforced by the New Hampshire department of agriculture, markets, and food shall not be subject to inspection under these rules.

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(b) The local entity shall provide written notice of any violations of best management practices to the owner of the potential contamination source within 30 days of the date of the management inspection.

(c) Inability to gain access to a potential contamination source for the purpose of conducting a management inspection shall be reported by the local entity to the local health officer and to the department.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.17)

Env-Dw 901.19 Waivers.

(a) A local entity requesting reclassification of groundwater or a person requesting that the department review a contributing area classified as GAA or GA1 or reclassify an area to GA2 or GB or change one or more of the boundaries of an existing groundwater reclassification or a person responsible for implementing a management program under this part may request a waiver to any information requirement under this part, provided that the information requirement is not mandated by RSA 485-C.

(b) The person requesting the waiver(s) shall submit the following information in writing to the department:

- (1) The name, mailing address, daytime telephone number, and email address, if any, of the person who is requesting the waiver and, if the person is other than an individual, the name, daytime telephone number, and email address, if any, of an individual who can be contacted by the department relative to the request;
- (2) Identification of the location of the area covered by the review or reclassification request to which the waiver request relates;
- (3) Identification of the specific section of the rules that requires the information to which the waiver request relates;
- (4) A full explanation of why a waiver is being requested, including an estimate of the costs of obtaining the information;
- (5) Whether the waiver is needed for a limited or indefinite period of time; and
- (6) A full explanation of how granting a waiver meet the criteria specified in (c), below.

(c) The department shall grant a waiver to an information requirement upon finding that:

- (1) The information requirement is not mandated by RSA 485-C; and
- (2) Denial of the waiver request would place a financial burden on the requestor that is disproportionate to the value of the information required.

(d) The department shall issue a written response to a request for a waiver within 60 days of receipt of the request. If the department denies the request, the reasons(s) for the denial shall be clearly stated in the written response.

Source. #10749, eff 12-19-14 (from Env-A 901.18)

APPENDIX A: STATUTES IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented
Env-Dw 901.01-.04	RSA 485-C:1
Env-Dw 901.05	RSA 485-C:5, I
Env-Dw 901.06	RSA 485-C:1-2
Env-Dw 901.07	RSA 485-C:5
Env-Dw 901.08	RSA 485-C:9, II & III
Env-Dw 901.09-.10	RSA 485-C:9, V(a)
Env-Dw 901.11	RSA 485-C:9, IV
Env-Dw 901.12	RSA 485-C:9
Env-Dw 901.13	RSA 485-C:9, VI
Env-Dw 901.14	RSA 485-C:9, II(a)
Env-Dw 901.15	RSA 485-C:9, III(a)
Env-Dw 901.16	RSA 485-C:1
Env-Dw 901.17-.18	RSA 485-C:8, II
Env-Dw 901.19	RSA 541-A:22, IV

APPENDIX B: STATUTORY DEFINITIONS**RSA 146-A:2**

III. "Oil" means petroleum products and their by-products of any kind, and in any form including, but not limited to, petroleum, fuel, sludge, crude, oil refuse or oil mixed with wastes and all other liquid hydrocarbons regardless of specific gravity and which are used as motor fuel, lubricating oil, or any oil used for heating or processing. The term "oil" shall not include natural gas, liquified petroleum gas or synthetic natural gas regardless of derivation or source;

RSA 485:1-a

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);
- (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.

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II. "Best management practice" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the risk of contamination of groundwater.

IV. "Contributing area" means the land above a class of groundwater, which is the vertical projection of the defined class on the land surface.

VIII. "Groundwater" means subsurface water that occurs beneath the water table in soils and geologic formations.

X. "Local entity" means a town or city, acting through a planning board, conservation commission, water department, health officer, or other duly constituted municipal unit; a village district established under RSA 52 or its predecessor statutes; an entity established by intergovernmental agreement under RSA 53-A; or a supplier of water for wellhead protection areas tributary to wells owned by the public water system.

XI. "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.

XIII. "Regulated contaminant" means any physical, chemical, biological, radiological substance or other matter, other than naturally occurring substances at naturally occurring levels, in water which adversely affects human health or the environment.

XVI. "Transmissivity" means the rate at which water is transmitted through a unit width of a water-bearing formation under a unit hydraulic gradient. It is equal to the hydraulic conductivity times the thickness of the formation, and is given in units of distance squared per unit time.

XVIII. "Wellhead protection area" means the surface and subsurface area surrounding a water well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

RSA 485-C:7 Potential Contamination Sources

I. Human activities or operations upon the land surface shall be considered potential contamination sources if the activity or operation poses a reasonable risk that regulated contaminants may be introduced into the environment in such quantities as to degrade the natural groundwater quality.

II. For purposes of this chapter, potential contamination sources shall include the following:

(a) Vehicle service and repair shops, including but not limited to: automobile, truck, and equipment service or repair shops, autobody shops; and aircraft fueling, deicing, and maintenance areas.

(b) General service and repair shops, including but not limited to: furniture stripping, painting, and refinishing; photographic processing; printing; appliance and small engine repair; boat repair, service, and refinishing; refrigeration, heating, ventilating and air conditioning shops.

(c) Metalworking shops, including, but not limited to: machine shops; metal plating, heat treating, smelting and jewelry making shops.

(d) Manufacturing facilities, including, but not limited to: electronics and chemical manufacturing, processing, and reclamation; paper, leather, plastic, fiberglass, rubber, silicon and glass making; a pharmaceutical production; pesticide manufacture; and chemical preservation of wood and wood products.

(e) Underground and aboveground storage facilities for oil and hazardous substances, as defined in RSA 146-C.

(f) Waste and scrap processing and storage, including, but not limited to: junkyards, scrap yards, and auto salvage yards; wastewater treatment plants; dumps, landfills, transfer stations and other solid waste facilities; and wastewater or septage lagoons.

(g) Transportation corridors, including, but not limited to, highways and railroads.

(h) Septic systems, including, but not limited to large septic systems which require a groundwater discharge permit under RSA 485-A:13.

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- (i) Laboratories and professional offices, including but not limited to: medical, dental, and veterinary offices; and research and analytical laboratories.
- (j) Use of agricultural chemicals, including but not limited to: golf courses; feed lots, kennels, piggeries, and manure stockpiles; parks; nurseries and sod farms; and the usage of registered pesticides.
- (k) Salt storage and use for winter road and parking lot maintenance.
- (l) Snow dumps.
- (m) Stormwater infiltration ponds or leaching catch basins.
- (n) Cleaning services, including but not limited to: dry cleaners, laundromats; beauty salons; and car washes.
- (o) Food processing plants, including but not limited to: meat packing and slaughterhouses; dairies; and processed food manufacture.
- (p) Fueling and maintenance of excavation and earthmoving equipment.
- (q) Concrete, asphalt and tar manufacture.
- (r) Cemeteries.
- (s) Hazardous waste facilities regulated under the Resource Conservation and Recovery Act, as implemented by RSA 147-A.