

CHAPTER Env-Wq 2100 WATER CONSERVATION; USE REGISTRATION AND REPORTING

PART Env-Wq 2102 WATER USE REGISTRATION AND REPORTING

- Section Env-Wq 2102.01 Purpose
- Section Env-Wq 2102.02 Applicability
- Section Env-Wq 2102.03 Definitions
- Section Env-Wq 2102.04 Registration for Limited Water Uses
- Section Env-Wq 2102.05 Registration Criteria and Requirements
- Section Env-Wq 2102.06 Water Use Registration Form
- Section Env-Wq 2102.07 Water Use Location Map
- Section Env-Wq 2102.08 Hydroelectric Power Producer Registration
- Section Env-Wq 2102.09 Measurement of Volume of Water Use Required
- Section Env-Wq 2102.10 Accuracy
- Section Env-Wq 2102.11 Open Channel Flow Measuring Devices
- Section Env-Wq 2102.12 Pipeflow Measuring Devices
- Section Env-Wq 2102.13 Equivalent Methods
- Section Env-Wq 2102.14 Frequency of Measurement
- Section Env-Wq 2102.15 Record Keeping
- Section Env-Wq 2102.16 Required Reporting
- Section Env-Wq 2102.17 Information Reported
- Section Env-Wq 2102.18 Method and Frequency of Reporting
- Section Env-Wq 2102.19 Trade Secrets and Proprietary Information
- Section Env-Wq 2102.20 Public Water Suppliers
- Section Env-Wq 2102.21 Discharges to Surface Waters
- Section Env-Wq 2102.22 Hydroelectric Power Producers
- Section Env-Wq 2102.23 Discharge to Groundwater
- Section Env-Wq 2102.24 Agriculture Water Use Registration Form
- Section Env-Wq 2102.25 Documentation of Agriculture Water Use Location
- Section Env-Wq 2102.26 Measurement of Volume of Agriculture Water Use Required
- Section Env-Wq 2102.27 Record Keeping for Agriculture Water Use
- Section Env-Wq 2102.28 Requirement for Agriculture Water Use Reporting
- Section Env-Wq 2102.29 Information Reported for Agriculture Water Use
- Section Env-Wq 2102.30 Method and Frequency of Reporting of Agriculture Water Use
- Section Env-Wq 2102.31 Intermittent Water Use by Mobile Facilities
- Section Env-Wq 2102.32 Waivers

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Env-Wq 2100 WATER CONSERVATION; USE REGISTRATION AND REPORTING

PART Env-Wq 2102 WATER USE REGISTRATION AND REPORTING

Statutory Authority: RSA 488:9

Env-Wq 2102.01 Purpose. The purpose of these rules is to implement RSA 488 by establishing requirements relative to documenting the identity and location of water uses and collecting accurate water use data to support management of the state's water resources.

Source. #9279, eff 9-24-08

Env-Wq 2102.02 Applicability.

(a) The rules in this part shall apply to any person required to register a water use under RSA 488:3, I, namely any person whose cumulative incoming water or cumulative outgoing water exceeds an average of 20,000 gallons of water per day in any 7-day period, or exceeds a total volume of 600,000 gallons in any 30-day period.

(b) Except as provided in (c), below, this chapter shall apply to any of the following water uses that meets or exceeds the criteria specified in (a), above:

- (1) Domestic, commercial, industrial, or institutional supply;
- (2) Treated or untreated municipal or industrial wastewater discharge;
- (3) Industrial make-up and processing;
- (4) Contact and non-contact cooling;
- (5) Agriculture, including livestock and crops;
- (6) Irrigation other than for agriculture and discharge of return flows;
- (7) The production of mechanical or electrical power;
- (8) The containerized transport of water in bulk quantities;
- (9) Withdrawals and discharges associated with site remediation activities; and
- (10) Any other use that equals or exceeds the water volumes identified in (a), above.

(c) Pursuant to RSA 488:11, these rules shall not apply to a discrete withdrawal arising from an emergency event, such as fire suppression.

(d) Use of recycled water stored in holding ponds that are not connected to surface waters nor constructed below the water table at facilities that process aggregate materials shall not be included in determining cumulative water use under (a), above.

(e) Withdrawals and discharges for the purpose of dewatering quarries or other excavations following discrete events of stormwater inflow shall not be included in determining cumulative water use under (a), above.

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Env-Wq 2102.03 Definitions.

(a) "Agriculture water user" means an entity that uses water for operations at a farm as defined in RSA 21:34-a.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) “Boiler blowdown” means water that is discharged periodically from a boiler to control the concentrations of suspended and total dissolved solids in the boiler and to remove sludge from the bottom of the boiler.

(c) “Boiler makeup” means water added periodically to a heating or power generating system to replace water lost through evaporation, blowdown, or leakage.

(d) “Contact cooling water” means water used to reduce temperature that comes into direct contact with a raw material, intermediate product, waste product other than heat, or finished product and thus becomes classified as process wastewater.

(e) “Contact person” means an individual who has been designated by the water user to be the main point of contact for the department relative to a registration under RSA 488.

(f) “Destination” means:

- (1) A location to which water is discharged;
- (2) A facility to which water is transferred;
- (3) Any water-containing product created by a water user; or
- (4) Evaporative losses occurring as a result of water use.

(g) “Discharge” means “discharge” as defined in RSA 488:2, III, namely “the return of water to the environment.”

(h) “Drainback” means water withdrawn for snowmaking that is not converted to snow but remains within the distribution system until being discharged directly back to the original source at or near the point of withdrawal.

(i) “Facility” means a fixed facility as defined in (j), below, or a mobile facility as defined in (n) below, or any combination thereof, depending on context.

(j) “Fixed facility” means an identifiable geographic location where water is withdrawn, treated, discharged, or otherwise used, whether at a single point or a number of individual points, at a single parcel of real property or place of business.

(k) “Groundwater” means “groundwater” as defined in RSA 488:2, IV, namely “subsurface water that occurs beneath the water table in soils and geologic formations.”

(l) “Incoming water” means water received at a facility through withdrawal and transfers in to the facility.

(m) “Intermittent water use” means a water use by a mobile facility for time-limited but recurring activities, including but not limited to construction or repair of roads, dust suppression, hydroseeding, and filling pools.

(n) “Mobile facility” means a tanker truck or other container that is used to transport water from one location to another.

(o) “Non-contact cooling water” means water used to reduce temperature that does not come into contact with a raw material, intermediate product, waste product other than heat, or finished product.

(p) “Outgoing water” means water leaving a facility through discharge and transfers out of the facility.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(q) “Person” means “person” as defined in RSA 488:2, V, namely “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.”

(r) “Public water supplier” means a “supplier of water” as defined in RSA 485:1-a, XVI.

(s) “Reclaimed wastewater” means wastewater treatment plant effluent that has been diverted for beneficial use instead of being directly discharged to surface water or groundwater.

(t) “Recycled water” means that volume of water that is re-circulated at a fixed facility as part of one or more water-using processes.

(u) “Source” means either a groundwater or surface water supply subject to a withdrawal by a water user, or a facility from which water is transferred to a water user.

(v) “Surface water” means “surface water” as defined in RSA 488:2, VI, namely “any lake, pond, river, stream, wetland, or tidal waters.”

(w) “Transfer” means “transfer” as defined in RSA 488:2, VII, namely “any conveyance of water from one real property or place of business to another or incorporation into a product for subsequent distribution.”

(x) “Water user” means the owner of a facility where an average of 20,000 gallons of water or more per day is used in any 7-day period or 600,000 gallons is used in any 30-day period.

(y) “Well” means any conveyance used to capture or withdraw groundwater.

(z) “Wellfield” means a combination of 2 or more wells that supply water from the same aquifer where the horizontal distance between any wellhead and at least one other wellhead does not exceed 100 feet.

(aa) “Withdrawal” means “withdrawal” as defined in RSA 488:2, VIII, namely “the collection of water by pumping or gravity from surface water or groundwater.”

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Env-Wq 2102.04 Registration for Limited Water Uses.

(a) A one-time incoming water or outgoing water that exceeds 140,000 gallons in any 7-day period but that by its nature is of limited duration and frequency shall register as specified in (b), below.

(b) Subject to (c) through (e), below, the owner of property on which a water use meeting the criteria of (a), above, occurred shall register the water use within 30 days of the use by submitting the following information to the department in writing:

- (1) The name and mailing address of the water user;
- (2) The location of the use, by street address and municipality;
- (3) The name and daytime telephone number of a contact person and, if available, an e-mail address and fax number for the contact person;
- (4) The type or purpose of water use, including but not limited to:
 - a. Filling swimming pools;
 - b. Test pumping water wells;
 - c. Pressure testing pipes or tanks; or

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

d. Materials cleanup in the case of spills.

(5) The source of the incoming used, including location and name of the public water supplier, if applicable;

(6) The name, location, and type of each destination of outgoing water, including location and name of the receiving surface water body or wastewater treatment facility, if applicable; and

(7) An estimate of the amount of incoming or outgoing water, with a brief description of how the estimate was derived.

(c) If the source of incoming water is a public water supply and the owner is required to give written notice to the supplier of water of the use, the owner may submit a copy of the notice provided to the supplier of water in lieu of the registration required by (b), above.

(d) If the outgoing water is subject to a groundwater discharge permit issued under Env-Wq 402, or under predecessor rules Env-Ws 1500, and the information required by (b), above, is included in the information provided to the department pursuant to that permit, the owner may submit a copy of the information otherwise provided in lieu of a separate registration.

(e) If the outgoing water is subject to a temporary surface discharge permit issued under RSA 485-A:4 and RSA 485-A:13 and the information required by (b), above, is included in the information provided to the department pursuant to that permit, the owner may submit a copy of the information otherwise provided in lieu of a separate registration.

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Env-Wq 2102.05 Registration Criteria and Requirements.

(a) The owner of a facility that does not qualify for registration under Env-Wq 2102.04 shall register the use within 30 days of commencing a qualifying use of water by submitting to the department in writing:

(1) The information specified in Env-Wq 2102.24 and Env-Wq 2102.25, if an agriculture water user;

(2) The information specified in Env-Wq 2102.31, if the facility is a mobile facility that qualifies for an intermittent registration under Env-Wq 2102.31(a)(1); or

(3) The information specified in Env-Wq 2102.06, Env-Wq 2102.07, and, if applicable, Env-Wq 2102.08, if not covered by (1) or (2), above.

(b) A facility that has several points of incoming water or outgoing water at a single real property or place of business which share one or more common sources or destinations, or both, shall be considered one water use.

(c) Each facility shall be registered as one water use even if it has common ownership with another facility that is required to be registered.

(d) The water user shall measure or quantify water use:

(1) Pursuant to Env-Wq 2102.26, if an agriculture water user;

(2) Pursuant to Env-Wq 2102.31, if the facility is a mobile facility that qualifies for an intermittent registration under Env-Wq 2102.31(a)(1); or

(3) Pursuant to Env-Wq 2102.09 through Env-Wq 2102.14, if not covered by (1) or (2), above.

(e) The water user shall keep records and report water use:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (1) Pursuant to Env-Wq 2102.27 through Env-Wq 2102.30, if an agriculture water user;
- (2) Pursuant to Env-Wq 2102.31, if the facility is a mobile facility that qualifies for an intermittent registration under Env-Wq 2102.31(a)(1); or
- (3) Pursuant to Env-Wq 2102.15 through Env-Wq 2102.18, if not covered by (1) or (2), above.

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Env-Wq 2102.06 Water Use Registration Form. The water user shall register a facility that is not an agriculture water use by providing the following information to the department on a form obtained from the department:

- (a) The name and mailing address of the water user;
- (b) The name and location, by street address and municipality, of the facility being registered;
- (c) The name and daytime telephone number of a contact person and, if available, an e-mail address and fax number for the contact person;
- (d) The name, location, and type of each source of water, including location and name of the public water supplier, if applicable;
- (e) The name, location, and type of each destination of water, including location and name of the receiving surface water body or wastewater treatment facility, if applicable;
- (f) Each type or purpose of water use that constitutes more than 5,000 gallons or 10 percent of the total use, whichever is greater, including but not limited to:
 - (1) Public water supply;
 - (2) Wastewater treatment;
 - (3) Commercial;
 - (4) Industrial;
 - (5) Institutional;
 - (6) Agricultural, such as field crop, greenhouse, nursery, livestock, log spraying, or aquaculture if the overall water use does not otherwise qualify as an agriculture water use;
 - (7) Non-agricultural irrigation, such as golf course, athletic field, or landscape;
 - (8) Power production, such as biomass, fossil fuel, geothermal, hydroelectric, or nuclear;
 - (9) Snowmaking;
 - (10) Mining;
 - (11) Bottled water; and
 - (12) Domestic use;
- (g) If applicable, the following additional descriptive information for each use specified pursuant to (f), above:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (1) If domestic or sanitary use, the number and type of fixtures and the number of employees served;
 - (2) If heating or cooling water, whether boiler make-up, blowdown, contact, or non-contact;
 - (3) If irrigation, the number of acres irrigated and the type of irrigation system used;
 - (4) Whether water is recycled and the percentage that is recycled; and
 - (5) Whether wastewater is reclaimed and the percentage that is reclaimed;
- (h) A description of the method of measurement, or quantification, of water use for each source or destination, and the units in which the water use is recorded;
- (i) The estimated average daily water use by the facility;
 - (j) The estimated maximum daily water use by the facility;
 - (k) The estimated annual water use by the facility;
- (l) For a facility permitted under Env-Ws 1500 or successor rules in Env-Wq 402, the average daily and maximum daily discharge to groundwater;
- (m) For a groundwater source, the type of well construction, such as drilled in bedrock, drilled in gravel, dug, or other type of well construction;
- (n) The North American Industry Classification System (NAICS) or Standard Industrial Classification (SIC) code;
- (o) The maximum amount of water that can be physically withdrawn or transferred from each source using the present infrastructure at the facility;
- (p) The maximum amount of water that can be physically discharged or transferred to each destination using the present infrastructure at the facility;
- (q) The physical factor(s) that limits the amount of water for those activities in (o) and (p), above;
- (r) Other information as needed to clarify the timing, distribution, purpose(s), or type(s) of water use; and
- (s) Permit or identification number(s) corresponding to all current state and federal permits or approvals held by the facility that pertain to water use, including but not limited to:
- (1) Any federal National Pollutant Discharge Elimination System permits;
 - (2) Any Federal Energy Regulatory Commission permits issued pursuant to 18 CFR;
 - (3) Any public water supply approvals obtained pursuant to Env-Ws 370, Env-Ws 372, Env-Ws 378, Env-Ws 379, or Env-Ws 389, or successor rules in subtitle Env-Dw;
 - (4) Any groundwater discharge permit or registration issued pursuant to Env-Ws 1500 or successor rules in Env-Wq 402;
 - (5) Any large groundwater withdrawal permits issued pursuant to Env-Ws 387 or Env-Ws 388 or successor rules in subtitle Env-Dw or Env-Wq;
 - (6) Any industrial pre-treatment permits; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(7) Any §401 water quality certificate or state or federal wetland permit stipulating water withdrawal amounts.

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Env-Wq 2102.07 Water Use Location Map.

- (a) The water user shall provide a topographic map with the water use registration form.
- (b) The topographic map shall be at a scale of 1:25,000 metric or 1:24,000 English, or at a scale that gives greater detail, and depict all data included on the most current version of the United States Geological Survey topographic quadrangle map of the same geographical area.
- (c) The topographic map shall identify the location and boundaries of the facility, each point of water withdrawal, and each point of water discharge.
- (d) The map shall include the quadrangle name, scale, date of last revision, and north arrow.

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Env-Wq 2102.08 Hydroelectric Power Producer Registration. In addition to providing the information required by Env-Wq 2102.06 and Env-Wq 2102.07, hydroelectric power producers shall provide the following information to the department:

- (a) The average operating head in feet above the intake;
- (b) The average operating efficiency in percent;
- (c) The minimum necessary operating flow in cubic feet per second;
- (d) The maximum existing capacity in kilowatts;
- (e) The maximum turbine design flow in cubic feet per second; and
- (f) The minimum flow release necessary to comply with existing state and federal operating permits or licenses in cubic feet per second.

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Env-Wq 2102.09 Measurement of Volume of Water Use Required.

- (a) Each water user that is not an agriculture water user or the owner of a mobile facility that qualifies for a temporary registration under Env-Wq 2102.31(a)(1) shall use the methods described in Env-Wq 2102.10 through Env-Wq 2102.14 to measure or quantify:
 - (1) The monthly volume of withdrawal and discharge for each registered source and destination, respectively;
 - (2) The 24-hour maximum volume for each month reported, if available; and
 - (3) The monthly volume(s) of water transferred to or from another facility.
- (b) Measuring devices and structures shall register and be calibrated for the full flow range of the withdrawal, diversion, or discharge being measured.
- (c) Each individual withdrawal shall be measured separately from other withdrawals at the facility, except that for individual wells registered as a wellfield, measurement of the combined withdrawal shall be accepted.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(d) Each individual discharge at a facility that exceeds 20,000 gallons per day of water shall be measured separately from other discharges at the facility except that the discharge may be reported based on the withdrawal volume if:

- (1) The registered source and destination are the same; and
- (2) The daily volume of the discharge equals at least 90 percent of the volume of the corresponding withdrawal.

(e) There shall be no turnouts or diversions between the source of water and the measuring devices, except for faucets or other small outlets that have a de minimis effect on the diversion or withdrawal.

(f) In those cases where wells are authorized for the purpose of supplementing surface waters with water from combined sources, both sources of water shall be measured.

(g) A water user shall implement water use measurement approaches which:

- (1) Directly or indirectly record the total volume of water pumped; and
- (2) Can be used by the department to measure water use when conducting an inspection of a facility.

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Env-Wq 2102.10 Accuracy.

(a) The method of measurement or quantification of water use shall be accurate to within 10 percent.

(b) If meters are not used, the water user shall:

- (1) Document in detail the method employed for estimating water use; and
- (2) Demonstrate that the results satisfy the accuracy requirement in (a), above.

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Env-Wq 2102.11 Open Channel Flow Measuring Devices.

(a) When establishing stage-discharge relations for open channel measuring devices or structures, the distribution of open channel flow measurements shall be sufficient to establish a full range of values for the entire stage-discharge relation.

(b) Weirs used to make open channel measurements shall have a rating table, as follows:

- (1) For a weir of standardized design and construction where a standard rating table is available, the standard rating table shall be used; and
- (2) If the weir is not of standardized design and construction or a standard rating table is not available, the rating table shall be developed specifically for the weir by a series of flow tests through the expected range of operation.

(c) A water user who produces hydroelectric power shall:

- (1) Directly measure the volume of water which flows through the turbines; or
- (2) Determine water usage by measuring power production and applying site specific conversion factors derived pursuant to Env-Wq 2102.08.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(d) Methods described by the “Water Measurement Manual, A Water Resources Technical Publication, A Guide to Effective Water Measurement Practices for Better Water Management,” United States Department of the Interior, Bureau of Reclamation, Third Edition, 1997, Revised Reprint 2001, shall be accepted provided the accuracy requirements of Env-Wq 2102.10 are met.

(e) If the measuring system has no continuous stage recorder, an observer shall read the staff gauge and record the reading as close in time as practical before and after changes in regulation of flow occur.

(f) The measuring system shall be installed or constructed in accordance with the specifications of the manufacturer or designer.

(g) For open channel measuring devices:

(1) Measuring devices shall be operated and maintained to ensure that the flow can be measured within the accuracy limits specified in Env-Wq 2102.10; and

(2) Rating curves shall be recalculated as follows:

a. At least once per year; and

b. Whenever there is a change in channel conditions that significantly alters flow across the control such that the requirements for accuracy specified in Env-Wq 2102.10 are not met.

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Env-Wq 2102.12 Pipeflow Measuring Devices.

(a) Except for public water systems and agriculture water users, the following measurement methods shall be used to measure water use associated with pipeflow:

(1) Flow meter(s) with a totalizer; or

(2) A time totalizer, provided water use occurs at a constant flow rate.

(b) In the case of intermittent artesian wells, the meter shall be installed in a manner that will measure both pumped and flowing discharge.

(c) A public water system serving fewer than 1,000 people shall meter all withdrawals from each source in accordance with Env-Ws 372.22 or successor rules in subtitle Env-Dw.

(d) Public water systems serving more than 1,000 people shall meter all withdrawals from individual sources in accordance with Env-Ws 370.01(a) or successor rules in subtitle Env-Dw.

(e) All measuring devices shall be:

(1) Installed in accordance with manufacturer specifications;

(2) Calibrated and maintained in accordance with the specifications of the manufacturer; and

(3) Operated and maintained to ensure that the flow can be measured within the accuracy requirements specified in Env-Wq 2102.10.

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Env-Wq 2102.13 Equivalent Methods.

(a) If the water user chooses to develop an alternate, equivalent method of water measurement, the

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

water user shall submit a written request and documentation to the department to demonstrate that the equivalent method of water measurement:

- (1) Complies with the accuracy requirements specified in Env-Wq 2102.10;
 - (2) Includes the measurement of water use in real time; and
 - (3) Automatically records cumulative water use for a minimum period of 30 days.
- (b) The documentation submitted pursuant to (a), above shall include the following:
- (1) The facility name and address;
 - (2) The name and daytime telephone number of the owner of the facility and of the operator of the facility, if other than the owner;
 - (3) The name and daytime telephone number of the contact person for the facility and, if available, an e-mail address for the contact person;
 - (4) The registered water user identification number; and
 - (5) A complete description of all water uses or users at the facility including:
 - a. Each water source and destination;
 - b. A flow chart of all water use through the facility that includes all water-using processes and their receiving and sending connections; and
 - c. A description of how the water is used, including a description and a percent estimate of the total volume of water used for each process or need.
- (c) If the department determines that the equivalent method of water measurement meets the accuracy requirements of Env-Wq 2102.10, the department shall approve the use of the method.

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Env-Wq 2102.14 Frequency of Measurement.

- (a) Measurements of water use shall be made with sufficient frequency to insure the accuracy of total water usage volumes required by Env-Wq 2102.10.
- (b) If water use for a facility is determined by multiplying a factor by run time, run time in hours and minutes shall be recorded at the end of each period of use.
- (c) Manual measurement of flow over weirs shall be made at least once in each calendar week, except that if the weekly measurement varies by more than 25%, the minimum frequency shall be once daily until such time as the flow variation over a week is less than 25%.

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Env-Wq 2102.15 Record Keeping.

- (a) Each water user that is not an agriculture water user or the owner of a mobile facility that qualifies for an intermittent registration under Env-Wq 2102.31(a)(1) shall maintain records in accordance with this section.
- (b) Each water user that is subject to this section shall make an accurate record of water use, including:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (1) All direct measurements;
- (2) All calculations;
- (3) Records demonstrating compliance with Env-Wq 2102.11(g) relative to open channel measurements, if applicable; and
- (4) Records demonstrating compliance with Env-Wq 2102.12(e) relative to calibration, operation, and maintenance of measuring devices.

(c) Each water user that is subject to this section shall retain the records specified in (b), above, for a minimum of 3 years from the date of the water use to which the record relates.

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Env-Wq 2102.16 Required Reporting.

(a) Each water user that is not an agriculture water user or the owner of a mobile facility that qualifies for an intermittent registration under Env-Wq 2102.31(a)(1) shall report in accordance with this section.

(b) Each water user that is subject to this section shall report the information specified in Env-Wq 2102.17 to the department according to the applicable schedule specified in Env-Wq 2102.18.

(c) Each water user that is subject to this section shall report water use information on forms supplied by the department, unless the required information is provided as specified in Env-Wq 2102.20 through Env-Wq 2102.23.

(d) The department shall provide the form to each water user, pre-populated with the following information as reflected in the departments' records:

- (1) The name of the water user;
- (2) The name and mailing address of the facility;
- (3) The location of the facility, including the street name and town;
- (4) The water user identification number;
- (5) The method of measurement; and
- (6) The name, title, and daytime telephone number of the contact person and, if available, and e-mail address.

(e) The water user shall verify or, if necessary, correct the information that was pre-populated on the form pursuant to (d), above, as part of completing and returning the form.

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Env-Wq 2102.17 Information Reported. In addition to verifying the information described in Env-Wq 2102.16(c), the water user shall provide the information identified below to the department:

(a) The monthly water use total, as required by Env-Wq 2102.09(a)(1), for each registered source and destination, including the monthly volume(s) of water transferred to or from another facility;

(b) The monthly 24-hour maximum volume, as specified in Env-Wq 2102.09(a)(2), for each registered source and destination;

(c) The units of measurement;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (d) The method of measurement;
- (e) If water usage is determined based on power production, the amount of power produced per month;
- (f) If the source is used for snowmaking, whether the reported monthly totals include the amount of drainback, and the percent of monthly withdrawal that is returned as drainback;
- (g) If water usage is determined based on a unit water use rate, the water user's process for determining the unit water use rate;
- (h) Information demonstrating compliance Env-Wq 2102.11(g) relative to open channel measurements, if applicable; and
- (i) Any changes in registration information or water use that have occurred since the previous report, including but not limited to:
 - (1) The addition of a new source or relocation or abandonment of an existing source;
 - (2) The addition of a new destination or relocation or abandonment of an existing destination;
 - (3) A facility expansion, modification, or relocation;
 - (4) A change in method of measurement;
 - (5) Problems with measurement equipment; and
 - (6) An explanation of the conditions that resulted in the changes noted under (1) through (5), above.

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Env-Wq 2102.18 Method and Frequency of Reporting.

- (a) Each water user that is not an agriculture water user or the owner of a mobile facility that qualifies for an intermittent registration under Env-Wq 2102.31(a)(1) shall report to the department in accordance with this section.
- (b) Except as provided in (c) and (d), below, each water user that is subject to this section shall submit the information required by Env-Wq 2102.16(d) and Env-Wq 2102.17 to the department every 3 months within the first 15 working days following the reporting period.
- (c) An irrigator that is not an agriculture water user shall submit the information required by Env-Wq 2102.16(d) and Env-Wq 2102.17 for each growing season or other period of use to the department no later than November 1st of the year in which the use occurred.
- (d) A snowmaker shall submit the information required by Env-Wq 2102.16(d) and Env-Wq 2102.17 for the each snowmaking season to the department no later than May 1st of the year in which the snowmaking season ends.

Source. #9279, eff 9-24-08

Env-Wq 2102.19 Trade Secrets and Proprietary Information.

- (a) Water users whose water use information could reveal trade secrets or confidential business information (CBI) may request the information which is claimed as trade secrets or CBI that is provided pursuant to this part to be maintained as non-public information that is not subject to release under RSA 91-A.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) Water users requesting that water use data be maintained as non-public information pursuant to (a), above, shall provide the following information:

- (1) Evidence that monthly water use data for the facility could reasonably be used by others to reveal trade secrets or CBI; and
- (2) A proposed alternative method to report water use in a manner or frequency that will protect trade secrets or CBI while allowing the underlying data to be made available to the public.

Source. #9279, eff 9-24-08

Env-Wq 2102.20 Public Water Suppliers. Any public water supplier that provides water use data to the department under Env-Ws 300 or successor rules in subtitle Env-Dw shall be deemed to be in compliance with this part if the information being provided includes the information required by Env-Wq 2102.17.

Source. #9279, eff 9-24-08

Env-Wq 2102.21 Dischargers to Surface Waters.

(a) Dischargers to surface waters shall include those persons whose discharge(s) of water to a surface water body are regulated under the federal National Pollutant Discharge Elimination System (NPDES).

(b) Any discharger to surface waters that provides water use data to the department pursuant to an NPDES permit shall be deemed to be in compliance with this part if the information being provided includes the information required by Env-Wq 2102.17.

Source. #9279, eff 9-24-08

Env-Wq 2102.22 Hydroelectric Power Producers. Any producer of hydroelectric power providing power production data to the New Hampshire public utilities commission (PUC) who has provided a means of approximating the volume of water used in that power production shall be deemed to be in compliance with this part if:

(a) The information being provided to the PUC includes the information required by Env-Wq 2102.17; and

(b) A copy of the information is provided to the department.

Source. #9279, eff 9-24-08

Env-Wq 2102.23 Discharges to Groundwater. Any discharger to groundwater that provides water use data to the department under Env-Ws 384 or successor rules in subtitle Env-Dw or under Env-Ws 1500 or successor rules in Env-Wq 402 shall be deemed to be in compliance with this part if the information provided includes the information required by Env-Wq 2102.17.

Source. #9279, eff 9-24-08

Env-Wq 2102.24 Agriculture Water Use Registration Form. An agriculture water user shall register a farm by providing the following information to the department on a form obtained from the department:

(a) The name and mailing address of the water user;

(b) The name and location of the farm;

(c) The name and daytime telephone number of a contact person and, if available, an e-mail address;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(d) The name, location, and type of each source of water, including location and name of the public water supplier, if applicable;

(e) The name, location, and type of each destination of water, including location and name of the receiving surface water body or wastewater treatment facility, if applicable;

(f) The type or purpose of water use, including but not limited to:

(1) Irrigation and frost protection for crops;

(2) Greenhouse;

(3) Nursery;

(4) Livestock;

(5) Cleaning and processing products;

(6) Cleaning equipment and facilities;

(7) Cooling and heating;

(8) Aquaculture; and

(9) Forestry and lumbering operations;

(g) The estimated annual water use by the farm; and

(h) If use is for the irrigation or frost protection of field crops, an estimate of the total acres irrigated or protected.

Source. #9279, eff 9-24-08

Env-Wq 2102.25 Documentation of Agriculture Water Use Location.

(a) To document the agriculture water use location, the agriculture water user shall provide:

(1) A water use location map as specified under Env-Wq 2102.07; or

(2) A recent aerial photograph of the property from the USDA Farm Service Agency (FSA), National Agricultural Imagery Program (NAIP), or other source that provides comparable or better quality and resolution.

(b) Any aerial photograph provided pursuant to (a), above, shall identify:

(1) The location of each water withdrawal and discharge point; and

(2) The boundaries of contiguous areas of 5 or more acres that are subject to irrigation.

(c) Any aerial photograph provided pursuant to (a), above, shall include the date of flight, the approximate scale of the image, and a north arrow.

Source. #9279, eff 9-24-08

Env-Wq 2102.26 Measurement of Volume of Agriculture Water Use Required.

(a) Each individual type of withdrawal or discharge for agriculture water use that exceeds 20,000 gallons a day of water shall be measured separately from other withdrawals or discharges at the farm unless a waiver is granted under Env-Wq 2102.32.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (b) The agriculture water user shall document in detail the method employed for estimating water use.
- (c) The following measurement methods shall be acceptable:
 - (1) Estimating water use based on manufacturers pump capacities;
 - (2) For livestock operations, average use estimates based on Cooperative Extension formulas or generally accepted and documented industry standards; or
 - (3) An equivalent method approved by the department pursuant to Env-Wq 2102.13.
- (d) Water use measurements or quantification shall be accurate to within 10 percent.

Source. #9279, eff 9-24-08

Env-Wq 2102.27 Record Keeping for Agriculture Water Use. Each agriculture water user shall maintain an accurate record of water use, including all direct measurements and calculations, for 3 years.

Source. #9279, eff 9-24-08

Env-Wq 2102.28 Requirement for Agriculture Water Use Reporting.

(a) An agriculture water user shall report the information specified in Env-Wq 2102.29 to the department according to the applicable schedule specified in Env-Wq 2102.30.

(b) An agriculture water user shall report water use information on forms supplied by the department unless the applicable data are provided under Env-Wq 2102.20 through Env-Wq 2102.23.

(c) The department shall provide the form to each agriculture water user, pre-populated with the following information as reflected in the departments' records:

- (1) The name of the water user;
- (2) The name and mailing address of the farm;
- (3) The location of the farm, including the road name and town;
- (4) The water user identification number as provided by the department;
- (5) The method of measurement; and
- (6) The name, title, and daytime telephone number of the contact person and, if available, an e-mail address.

(d) The agriculture water user shall verify or, if necessary, correct the information that was pre-populated on the form pursuant to (c), above, as part of completing and returning the form.

Source. #9279, eff 9-24-08

Env-Wq 2102.29 Information Reported for Agriculture Water Use. In addition to verifying the information described in Env-Wq 2102.28(c), the agriculture water user shall provide the information identified below to the department:

(a) The monthly volume of withdrawal and discharge for each registered source and destination, respectively;

(b) The monthly volume(s) of water transferred to or from another facility;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (c) The units of measurement;
- (d) The method of measurement;
- (e) If water usage is determined based on a unit water use rate, the water user's process for determining the unit water use rate;
- (f) Acres irrigated and method(s) of irrigation;
- (g) Whether water is recycled and the estimated percentage that is recycled;
- (h) Whether wastewater is reclaimed and the estimated percentage that is reclaimed;
- (i) Any changes in registration information or water use that have occurred since the previous report, including but not limited to:
 - (1) The addition of a new source or relocation or abandonment of an existing source;
 - (2) The addition of a new destination or relocation or abandonment of an existing destination;
 - (3) A change in method of measurement; and
 - (4) An explanation of the conditions that resulted in the changes under (1) through (3), above.

Source. #9279, eff 9-24-08

Env-Wq 2102.30 Method and Frequency of Reporting of Agriculture Water Use. The agriculture water user shall submit the information required by Env-Wq 2102.28(c) and Env-Wq 2102.29 for the period beginning December 1 and ending November 30 of each year to the department no later than December 31st of the year in which the reporting period ends.

Source. #9279, eff 9-24-08

Env-Wq 2102.31 Intermittent Water Use by Mobile Facilities.

- (a) The owner of a mobile facility shall comply with:
 - (1) The requirements specified in this section if the use is non-recurring and lasts for less than 30 days; or
 - (2) The requirements of Env-Wq 2102.05 through Env-Wq 2102.23, if the use does not qualify under (1), above.
- (b) The owner of the mobile facility shall register and report water use on an "Intermittent Water Use Registration" form provided by the department.
- (c) The Intermittent Water Use Registration form shall contain the following information:
 - (1) The name and mailing address of the water user;
 - (2) The name and daytime telephone number of the contact person and, if available, an e-mail address;
 - (3) A description of each temporary water use that includes:
 - a. The name of the municipality in which the water use occurred;
 - b. The type of water use;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- c. The location of the water use as described by:
 - (i) The name of the closest road intersection;
 - (ii) The physical street address;
 - (iii) A sketch on a map depicting road names and location; or
 - (iv) The map coordinates as determined by a land surveyor or global positioning satellite receiver;
 - d. The name of each water body serving as a source for the use; and
 - e. The volume of water used, as determined by:
 - (i) The volume of tank filled and emptied; or
 - (ii) The methods described in Env-Wq 2102.09 through Env-Wq 2102.13; and
 - f. The date the water use occurred.
- (d) The water user shall submit the information required by (c), above:
- (1) At least once per calendar month; and
 - (2) In a manner that allows total water use for each calendar month to be determined.

Source. #9279, eff 9-24-08

Env-Wq 2102.32 Waivers.

- (a) Any person requesting a waiver to a requirement in this part shall submit the following information in writing to the department:
- (1) A description of the facility and water use to which the waiver request relates;
 - (2) A specific reference to the section of the rule for which a waiver is being sought;
 - (3) A full explanation of why a waiver is necessary;
 - (4) A full explanation, with supporting data, of the alternatives that will be implemented in lieu of the requirement if a waiver is granted, if any;
 - (5) Whether the waiver is needed for a limited duration, and if so, an estimate of when the waiver will no longer be needed; and
 - (6) A full explanation of how granting a waiver:
 - a. Would be consistent with the intent of RSA 488; and
 - b. Would result in water use data that are at least equivalent to the requirements contained in these rules.
- (b) The department shall grant a waiver if it determines that the intent of RSA 488 will be met and the water use data will be at least equivalent to the requirements contained in this part. In granting the waiver, the department shall impose such conditions, including time limitations, as the department deems necessary to ensure that the criteria specified in (a)(6), above, are met.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(c) The department shall issue a written response to the water user within 30 business days of receipt of a complete request. If the waiver is denied, the department’s response shall specify the reason(s) for the denial.

(d) No waiver shall be granted to any requirement specified in statute unless the statute expressly allows such requirement to be waived.

Source. #9279, eff 9-24-08

APPENDIX

Rule Section(s)	State Statute(s) Implemented
Env-Wq 2102.01	RSA 488:1
Env-Wq 2102.02	RSA 488:3; RSA 488:9; RSA 488:11
Env-Wq 2102.03	RSA 488:2
Env-Wq 2102.04 - 2102.06	RSA 488:4; RSA 488:5; RSA 488:9
Env-Wq 2102.07 - 2102.08	RSA 488:5; RSA 488:9
Env-Wq 2102.09 - 2102.14	RSA 488:4; RSA 488:9
Env-Wq 2102.15 - 2102.23	RSA 488:6; RSA 488:9
Env-Wq 2102.24 - 2102.25	RSA 488:3; RSA 488:5; RSA 488:9
Env-Wq 2102.26	RSA 488:4; RSA 488:9
Env-Wq 2102.27 - 2102.30	RSA 488:4; RSA 488:9
Env-Wq 2102.31	RSA 488:3; RSA 488:5; RSA 488:9
Env-Wq 2102.32	RSA 541-A:22, IV