

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

TABLE OF CONTENTS

CHAPTER Env-Ws 300 NEW HAMPSHIRE DRINKING WATER RULES

PART Env-Ws 301 PURPOSE AND APPLICABILITY

- Section Env-Ws 301.01 Purpose
- Section Env-Ws 301.02 Applicability
- Section Env-Ws 301.03 Exemption to Rule Requirement Pursuant to Part 1, Article 28-a for
Water Systems Owned by Political Subdivisions
- Section Env-Ws 301.04 Waivers

PART Env-Ws 302 DEFINITIONS

- Section Env-Ws 302.01 Act
- Section Env-Ws 302.02 Action Level
- Section Env-Ws 302.03 Accredited
- Section Env-Ws 302.04 Analytical Gross Alpha
- Section Env-Ws 302.05 Backflow Prevention Device
- Section Env-Ws 302.06 Best Available Technology (BAT)
- Section Env-Ws 302.07 Bottled Water
- Section Env-Ws 302.08 Certificate
- Section Env-Ws 302.09 Coagulation
- Section Env-Ws 302.10 Community Water System
- Section Env-Ws 302.11 Compliance Cycle
- Section Env-Ws 302.12 Compliance Gross Alpha
- Section Env-Ws 302.13 Compliance Period
- Section Env-Ws 302.14 Confluent Growth
- Section Env-Ws 302.15 Contaminant
- Section Env-Ws 302.16 Conventional Filtration Treatment
- Section Env-Ws 302.17 Corrosion Inhibitor
- Section Env-Ws 302.18 Cross-Connection Control Program
- Section Env-Ws 302.19 DES
- Section Env-Ws 302.20 Disinfectant
- Section Env-Ws 302.21 Disinfection
- Section Env-Ws 302.22 Distribution System
- Section Env-Ws 302.23 Department
- Section Env-Ws 302.24 Domestic or Other Non-Distribution System Plumbing Problem
- Section Env-Ws 302.25 Dose Equivalent
- Section Env-Ws 302.26 Enhanced Coagulation
- Section Env-Ws 302.27 Enhanced Softening
- Section Env-Ws 302.28 Feasible
- Section Env-Ws 302.29 Filtration
- Section Env-Ws 302.30 First Draw Sample
- Section Env-Ws 302.31 Flow Mix
- Section Env-Ws 302.32 GAC10
- Section Env-Ws 302.33 Groundwater Under the Direct Influence of Surface Water
- Section Env-Ws 302.34 Haloacetic Acids (five) (HAA5)
- Section Env-Ws 302.35 Halogen
- Section Env-Ws 302.36 Initial Compliance Period
- Section Env-Ws 302.37 Lead Service Line
- Section Env-Ws 302.38 Man-Made Beta Particle and Photon Emitters
- Section Env-Ws 302.39 Maximum Contaminant Level (MCL)
- Section Env-Ws 302.40 Maximum Contaminant Level Goal (MCLG)
- Section Env-Ws 302.41 Maximum Residual Disinfectant Level (MRDL)
- Section Env-Ws 302.42 Maximum Residual Disinfectant Level Goal

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- Section Env-Ws 302.43 Maximum Total Trihalomethane Potential (MTTP)
- Section Env-Ws 302.44 Municipality
- Section Env-Ws 302.45 Municipal Water System
- Section Env-Ws 302.46 Near the First Service Connection
- Section Env-Ws 302.47 NH Drinking Water Rules
- Section Env-Ws 302.48 Nephelometric
- Section Env-Ws 302.49 Non-Community Water System
- Section Env-Ws 302.50 Non-Transient Non-Community Water System (NTNC)
- Section Env-Ws 302.51 Operator
- Section Env-Ws 302.52 Optimal Corrosion Control Treatment
- Section Env-Ws 302.53 Owner
- Section Env-Ws 302.54 Performance Evaluation Sample
- Section Env-Ws 302.55 Person
- Section Env-Ws 302.56 Picocurie (pCi)
- Section Env-Ws 302.57 Point-of-Entry Treatment Device
- Section Env-Ws 302.58 Point-of-Use Treatment Device
- Section Env-Ws 302.59 Population Served
- Section Env-Ws 302.60 Primary Enforcement Responsibility
- Section Env-Ws 302.61 Public Water System
- Section Env-Ws 302.62 Reliably and Consistently Below the MCL
- Section Env-Ws 302.63 Rem
- Section Env-Ws 302.64 Repeat Compliance Period
- Section Env-Ws 302.65 Residual Disinfectant Concentration
- Section Env-Ws 302.66 Running Annual Average
- Section Env-Ws 302.67 Sampling Point
- Section Env-Ws 302.68 Sanitary Survey
- Section Env-Ws 302.69 Secondary Maximum Contaminant Level (SMCL)
- Section Env-Ws 302.70 Service Line Sample
- Section Env-Ws 302.71 Significant Deficiency
- Section Env-Ws 302.72 Small Community Water System
- Section Env-Ws 302.73 Specific Ultraviolet Absorption (SUVA)
- Section Env-Ws 302.74 Standard Water Quality Analysis
- Section Env-Ws 302.75 Suggested No Adverse Response Level (SNARL)
- Section Env-Ws 302.76 Supplier of Water
- Section Env-Ws 302.77 Surface Water
- Section Env-Ws 302.78 Surface Water/Ground Water Under the Direct Influence of Surface Water System (SW/GWUDISW)
- Section Env-Ws 302.79 System with a Single Service Connection
- Section Env-Ws 302.80 Too Numerous to Count (TNTC)
- Section Env-Ws 302.81 Total Organic Carbon (TOC)
- Section Env-Ws 302.82 Total Trihalomethanes (TTHM)
- Section Env-Ws 302.83 Transient Non-Community Water System (TWS)
- Section Env-Ws 302.84 Trihalomethane (THM)
- Section Env-Ws 302.85 Treatment Technique Requirement
- Section Env-Ws 302.86 Virus
- Section Env-Ws 302.87 Waterborne Disease Outbreak

PART Env-Ws 303 INTRODUCTION TO PUBLIC WATER SUPPLY REGULATORY PROGRAM

- Section Env-Ws 303.01 Local Authority
- Section Env-Ws 303.02 Access to Files
- Section Env-Ws 303.03 Permit to Operate
- Section Env-Ws 303.04 Siting Requirement
- Section Env-Ws 303.05 Entry and Inspection of Public Water Systems

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- Section Env-Ws 303.06 Hydrogeologic or Engineering Study
- Section Env-Ws 303.07 Submission of Descriptive Data

PART Env-Ws 304 RECORDKEEPING RESPONSIBILITY OF SYSTEMS

- Section Env-Ws 304.01 Recordkeeping Responsibility
- Section Env-Ws 304.02 Microbiological Records
- Section Env-Ws 304.03 Turbidity Records
- Section Env-Ws 304.04 Radionuclide Records
- Section Env-Ws 304.05 Disinfection Residual
- Section Env-Ws 304.06 Asbestos Records
- Section Env-Ws 304.07 Lead, Copper and Corrosion Testing
- Section Env-Ws 304.08 Acrylamide/Epichlorohydrin Water Quality Records
- Section Env-Ws 304.09 Water Quality Records Other Than Microbiological and Turbidity
- Section Env-Ws 304.10 Recordkeeping for Filtration
- Section Env-Ws 304.11 Other Treatments
- Section Env-Ws 304.12 Monitoring Waivers
- Section Env-Ws 304.13 Sanitary Survey Records
- Section Env-Ws 304.14 Public Notice Recordkeeping

PART Env-Ws 305 COATINGS AND ADDITIVES; LEAD PROHIBITION

- Section Env-Ws 305.01 Coatings, Surfaces, and Additives
- Section Env-Ws 305.02 Prohibition of Use of Lead Pipes, Solder, and Flux

PART Env-Ws 306 SANITARY SURVEY

- Section Env-Ws 306.01 Sanitary Survey Field Inspection
- Section Env-Ws 306.02 Significant Deficiencies for Small Community and Non-Community Water Systems

PART Env-Ws 307 STANDARDS ADOPTED BY REFERENCE

- Section Env-Ws 307.01 Standards of the American Water Works Association

PART Env-Ws 308 CRITERIA AND PROCEDURES FOR NON-CENTRAL TREATMENT

- Section Env-Ws 308.01 Definitions
- Section Env-Ws 308.02 Point-of-Entry Treatment
- Section Env-Ws 308.03 Point-of-Use Treatment
- Section Env-Ws 308.04 Goals and Policy for Point-of-Use Treatment
- Section Env-Ws 308.05 POU User Agreement
- Section Env-Ws 308.06 POU Equipment Requirements
- Section Env-Ws 308.07 POU Compliance Requirements
- Section Env-Ws 308.08 Violation of MCL When Using POU
- Section Env-Ws 308.09 POU Ongoing User Education
- Section Env-Ws 308.10 Long-Term Use of POU Treatment
- Section Env-Ws 308.11 Bottled Water

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Env-Ws 300 NEW HAMPSHIRE DRINKING WATER RULES

Statutory Authority: RSA 485 and 332-E:3

REVISION NOTE:

Document #4850, eff 6-25-90, made extensive changes to the wording, format and structure of Chapter Env-Ws 300. Document #4850 supersedes all prior filings for the sections in these chapters except for Parts Env-Ws 378 through Env-Ws 399 which were not included in Document #4850. The prior filings for former Env-Ws 300 include the following documents:

- | | |
|---------------------|---------------------|
| #1918, eff 1-13-82 | #2973, eff 1-28-85 |
| #2071, eff 7-1-82 | #3057, eff 7-16-85 |
| #2244, eff 12-31-82 | #4040, eff 4-16-86 |
| #2317, eff 3-10-83 | #4053, eff 5-14-86 |
| #2318, eff 3-10-83 | #4126, eff 8-29-86 |
| #2471, eff 9-7-83 | #4149, eff 10-15-86 |
| #2525, eff 10-11-83 | #4273, eff 6-29-87 |
| #2610, eff 2-1-84 | #4419, eff 5-24-88 |
| #2842, eff 9-5-84 | #4483, eff 9-2-88 |

REVISION NOTE:

Document #6521, eff 6-4-97, made various readoptions to the wording, format and structure of Chapter Env-Ws 300. Document #6521 supersedes all prior filings for the sections in this chapter. The prior filings for former Env-Ws 300 include the following documents:

- | | |
|---------------------|---------------------|
| #4875, eff 7-23-90 | #5541, eff 12-24-92 |
| #4984, eff 11-20-90 | #5636, eff 6-14-93 |
| #5098, eff 3-18-91 | #5872, eff 7-19-94 |
| #5287, eff 11-27-91 | #5873, eff 7-26-94 |
| #5422, eff 6-22-92 | |

REVISION NOTE:

Document #7735, effective 8-2-02, made several changes to Chapter Env-Ws 300, including adoption of a new Part Env-Ws 382 relative to Disinfectant/Disinfection Byproducts. Document #7735 moved and renumbered, but did not readopt, the former Env-Ws 382 as Env-Ws 393. The effective dates of part Env-Ws 393 therefore remain unchanged by Document #7735.

CHAPTER Env-Ws 300 NEW HAMPSHIRE DRINKING WATER RULES

Statutory Authority: RSA 485 and 332-E:3

PART Env-Ws 301 PURPOSE AND APPLICABILITY

Env-Ws 301.01 Purpose. The purpose of the rules in Env-Ws 300 is to:

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

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

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Ws 301.02 Applicability.

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

(b) For community water systems as defined in RSA 485:1-a, I, the department shall use the 2000 census determination of 2.5 people per household to determine the population served by the system unless more specific information is provided to the department by the system.

(c) The department shall determine whether a system shall be categorized as a community public water system by:

- (1) The potential for year-round occupancy; and
- (2) Determining whether the occupancy is by the same persons on each occasion.

(d) For the purpose of (c), above, a community system shall be one proposed to ultimately service a permanent residential population even if that population initially is weekend or seasonal in nature.

(e) A water system shall be a non-community water system if it is designed to serve 25 or more people per day for 60 or more days per year.

(f) For water systems serving a kindergarten or day care center, the department shall base its determination of whether the water system is a public water system on the number of children for which the facility is licensed, as indicated on the license issued by the child care licensing program of the New Hampshire department of health and human services.

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

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

Env-Ws 301.03 Exemption to Rule Requirement Pursuant to Part 1, Article 28-a for Water Systems Owned by Political Subdivisions.

(a) A rule contained in Table 301-1 in (b) below, shall not apply to a political subdivision pursuant to Part 1, Article 28-a of the N.H. Constitution, if:

- (1) Compliance with the particular rule necessitates additional local expenditures by the political subdivision compared to compliance with Env-Ws 300 prior to the effective date of the rule; and
- (2) The state has not fully funded the additional local expenditure in (1), above, or the local legislative body of the political subdivision has not approved the expenditures for funding.

(b) The rules in Env-Ws 300 which were not effective prior to November 28, 1984 and are additional to any federal mandate pursuant to RSA 541-A:26 shall include the following rules in Table 301-1:

Table 301-1
Post-1984 Requirements that are Additional to Federal Mandates

Rule	Description
Env-Ws 307.01	Standards of the American Water Works Association as described by Env-Ws 301.03(d).
Env-Ws 312.01(d)	Radon sampling

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Ws 314.01(b) and Env-Ws 316.01(b)	Fluoride MCL and SMCLS in Table 314-1 and Table 316-1(b) for only NTNC systems as identified in Table 314-1(e)
Env-Ws 315.03(d)	MCLGs for disinfectant residual level goals in Table 315-4
Env-Ws 316.01(b)	Monitoring for secondary contaminants
Env-Ws 360.13	Inspection frequency of public water systems
Env-Ws 361.03	5 Year source pump test
Env-Ws 361.04	Distribution system flushing
Env-Ws 361.05	Operating distribution valves
Env-Ws 361.08	Inspection and maintenance of storage tanks
Env-Ws 370.01	General design standards as described in Env-Ws 301.03(c)
Env-Ws 370.02	Design review fee
Env-Ws 370.03	Quality of product and workmanship as described in Env-Ws 301.03(d)
Env-Ws 372.07	Design review fee for small community water systems
Env-Ws 372.16	Water supply quality
Env-Ws 372.17(f)	Extra tank for fire storage
Env-Ws 372.22(b)	Alarm silencer and labels
Env-Ws 372.22(e)	Pressure gauge
Env-Ws 372.22(f)	Immediate disinfection
Env-Ws 372.22(g)	Off / on / alarm for pump controls
Env-Ws 372.22(i)	Oiless air compressor
Env-Ws 372.23(g)	Air tube for electronic drawdown probe
Env-Ws 372.24(d)(2)	Passive cathodic protection system
Env-Ws 372.24(e)	Capped filler pipe
Env-Ws 372.25(b)	Wiring and control devices
Env-Ws 372.32(l)	Tracer tape above pipe
Env-Ws 372.32(m)	“Gate” on valve box
Env-Ws 373.06	Design review fee
Env-Ws 373.14	Water supply quality
Env-Ws 373.15	Extra tank for fire storage
Env-Ws 373.17(b)	Pressure gauge
Env-Ws 373.17(c)	Off / on / alarm for pump controls
Env-Ws 373.17(d)	Oiless air compressor
Env-Ws 373.25	“Gate” on valve box
Env-Ws 374.09	Quality of products and workmanship as described in Env-Ws 301.03(d)

(c) Relative to the Recommended Standards for Water Works, 2003 edition as incorporated by reference in Env-Ws 370.01 and Env-Ws 374.01, only the changes since the 1982 edition shall be subject to the exemption in Env-Ws 301.03(a).

(d) Relative to the standards of the American Water Works Association (AWWA) as incorporated by reference in Env-Ws 307.01, only the changes since 1984 shall be subject to the exemption in Env-Ws 301.03(a).

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss and moved by #8498, eff 11-30-05 (from Env-Ws 301.04)

Env-Ws 301.04 Waivers.

(a) The rules contained in this chapter apply to a variety of conditions and circumstances. It is recognized that strict compliance with all rules prescribed herein might not fit every conceivable situation. Any public water system that is or would be adversely affected by the strict application of these rules that

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

wishes to request a waiver of specific rules established by this chapter shall request the waiver in accordance with (b), below.

- (b) A request for a waiver shall:
- (1) Be submitted in writing to the department; and
 - (2) Include the following information:
 - a. A description of the circumstance to which the waiver request relates;
 - b. A specific reference to the section(s) of the rules for which a waiver is being sought;
 - c. A full explanation of why a waiver is necessary and demonstration of hardship caused if the rule is adhered to;
 - d. A full explanation of the alternatives for which a waiver is sought, if any, with backup data for support; and
 - e. A full explanation of how granting the waiver would be consistent with the intent of RSA 485, would have a just result, and would adequately protect human health and the environment.
- (c) The department shall approve a request for a waiver if it finds that:
- (1) The requirement is not mandated by state or federal statute;
 - (2) Granting the waiver, conditional upon implementation of alternatives, if proposed, will result in circumstances that are as protective of public health as the requirements contained in this chapter; and
 - (3) Granting the waiver, conditional upon implementation of alternatives, if proposed, will not adversely impact the department's obligations under RSA 485 and obligations associated with maintaining primacy from the EPA.
- (d) The department shall issue a written decision on a request for a waiver. If the waiver is denied, the denial shall specifically set forth the reason(s) for the denial.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

PART Env-Ws 302 DEFINITIONS

Env-Ws 302.01 "Act" means the New Hampshire Safe Drinking Water Act, RSA 485.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

Env-Ws 302.02 "Action level" means the concentration of lead or copper in water in accordance with the procedures specified in Env-Ws 381.01 which determines the treatment requirements that a water system is required to complete.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; amd by #7735, eff 8-2-02; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05 ; ss by #8498, eff 11-30-05

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Ws 302.03 “Accredited” means certified to the standards of the New Hampshire environmental laboratory accreditation program (NH ELAP) as specified in Env-C 300.

Source. #8498, eff 11-30-05

Env-Ws 302.04 “Analytical gross alpha” means total gross alpha activity as measured by the EPA approved methodologies, as specified in 40 CFR 141.25, and includes, but is not limited to, alpha particles from radium-226, uranium, thorium, and polonium. Radon is not included in analytical gross alpha activity.

Source. #8498, eff 11-30-05

Env-Ws 302.05 “Backflow prevention device” means a device that is designed to, and which in practice does, prohibit unwanted substances from flowing into the water distribution pipes of a potable supply of water.

Source. #8498, eff 11-30-05

Env-Ws 302.06 “Best available technology (BAT)” means the best technology, treatment techniques, or other means which the department finds after examination for efficacy under field conditions and not solely under laboratory conditions are available, taking cost into consideration

Source. #8498, eff 11-30-05

Env-Ws 302.07 “Bottled water” means a supply of water delivered in discrete containers as licensed by the NH department of health and human services, division of public health services.

Source. #8498, eff 11-30-05

Env-Ws 302.08 “Certificate” means “certificate” as defined in RSA 332-E:1, II, namely “a certificate of competency issued by the department stating that the operator has met the particular requirements set by the department for the certification at his [or her] level of operation.”

Source. #8498, eff 11-30-05

Env-Ws 302.09 “Coagulation” means a process using coagulant chemicals and mixing by which colloidal and suspended materials are agglomerated into flocs.

Source. #8498, eff 11-30-05

Env-Ws 302.10 “Community water system” means “community water system” as defined in RSA 485:1-a, I, namely “a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.”

Source. #8498, eff 11-30-05

Env-Ws 302.11 “Compliance cycle” means a 9-year calendar year cycle consisting of 3, 3-year compliance periods, during which public water systems shall monitor for the factors identified in other portions of Env-Ws 300.

Source. #8498, eff 11-30-05

Env-Ws 302.12 “Compliance gross alpha” means the analytical gross alpha activity minus the uranium activity. Radon is not included in compliance gross alpha activity.

Source. #8498, eff 11-30-05

Env-Ws 302.13 “Compliance period” means a 3-year calendar period beginning on January 1, 1993. The first compliance period runs from January 1, 1993 to December 31, 1995, the second from January 1, 1996 to December 31, 1998, and so on.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Source. #8498, eff 11-30-05

Env-Ws 302.14 “Confluent growth” means a continuous bacterial growth covering the entire filtration area of a membrane filter, or portion thereof, in which bacterial colonies are not discrete.

Source. #8498, eff 11-30-05

Env-Ws 302.15 “Contaminant” means “contaminant” as defined in RSA 485:1-a, II, namely “any physical, chemical, biological or radiological substance or matter in water.”

Source. #8498, eff 11-30-05

Env-Ws 302.16 “Conventional filtration treatment” means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in particulate removal.

Source. #8498, eff 11-30-05

Env-Ws 302.17 “Corrosion inhibitor” means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

Source. #8498, eff 11-30-05

Env-Ws 302.18 “Cross-connection control program” means a set of rules adopted by a water system which requires at least the installation of backflow prevention devices, periodic testing and inspection of these devices, and annual inspection reports of these devices to eliminate existing cross-connections and to prevent the possible occurrence of backflow or back-siphonage from contaminating the drinking water system.

Source. #8498, eff 11-30-05

Env-Ws 302.19 “DES” means the NH department of environmental services.

Source. #8498, eff 11-30-05

Env-Ws 302.20 “Disinfectant” means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone, added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

Source. #8498, eff 11-30-05

Env-Ws 302.21 “Disinfection” means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

Source. #8498, eff 11-30-05

Env-Ws 302.22 “Distribution system” means that portion of the public water system which includes pipes, storage facilities, pressure booster facilities, and all measuring and control devices used to convey potable water to the system users.

Source. #8498, eff 11-30-05

Env-Ws 302.23 “Department” means the department of environmental services.

Source. #8498, eff 11-30-05

Env-Ws 302.24 “Domestic or other non-distribution system plumbing problem” means a coliform contamination problem in a public water system with more than one service connection that is limited to the specific service connection from which a coliform-positive sample was taken.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Source. #8498, eff 11-30-05

Env-Ws 302.25 “Dose equivalent” means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body.

Source. #8498, eff 11-30-05

Env-Ws 302.26 “Enhanced coagulation” means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration-treatment.

Source. #8498, eff 11-30-05

Env-Ws 302.27 “Enhanced softening” means the improved removal of disinfection byproduct precursors by precipitative softening.

Source. #8498, eff 11-30-05

Env-Ws 302.28 “Feasible” means “feasible” as defined in RSA 485:1-a, V, namely “capable of being done with the use of the best technology, treatment techniques, and other means which the department finds, after examination for efficacy under field conditions as well as laboratory conditions, is available at reasonable cost.”

Source. #8498, eff 11-30-05

Env-Ws 302.29 “Filtration” means a process for removing particulate matter from water by passage through porous media.

Source. #8498, eff 11-30-05

Env-Ws 302.30 “First draw sample” means a one-liter sample of tap water, collected in accordance with Env-Ws 381.16, that has been standing in plumbing pipes at least 6 hours and is collected without flushing the tap.

Source. #8498, eff 11-30-05

Env-Ws 302.31 “Flow mix” means a treatment technique where the flow of water from one or more sources having a particular contaminant exceeding an MCL is combined with flow from one or more different sources with that contaminant below the MCL, so that the resultant flow is reliably and consistently below the MCL for that contaminant.

Source. #8498, eff 11-30-05

Env-Ws 302.32 “GAC10” means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days.

Source. #8498, eff 11-30-05

Env-Ws 302.33 “Groundwater under the direct influence of surface water” means “groundwater under the direct influence of surface water” as defined in 40 CFR 141.2.

Source. #8498, eff 11-30-05

Env-Ws 302.34 “Haloacetic acids (five) (HAA5)” means the sum of the concentrations in milligrams per liter of the haloacetic acid compounds consisting of monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid rounded to 2 significant figures after calculation of the sum.

Source. #8498, eff 11-30-05

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Ws 302.35 “Halogen” means, but is not limited to, one of the chemical elements chlorine, bromine or iodine.

Source. #8498, eff 11-30-05

Env-Ws 302.36 “Initial compliance period” means the first full 3-year compliance period which begins at least 18 months after adoption of a particular maximum contaminant level.

Source. #8498, eff 11-30-05

Env-Ws 302.37 “Lead service line” means a service line made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting which is connected to such lead line.

Source. #8498, eff 11-30-05

Env-Ws 302.38 “Man-made beta particle and photon emitters” mean all radionuclides which emit beta particles or photons, or both, listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.

Source. #8498, eff 11-30-05

Env-Ws 302.39 “Maximum contaminant level (MCL)” means “maximum contaminant level” as defined in RSA 485:1-a,VII, namely “the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from the definition.”

Source. #8498, eff 11-30-05

Env-Ws 302.40 “Maximum contaminant level goal (MCLG)” means “maximum contaminant level goal” as defined in RSA 485:1-a,VIII, namely “that level of a contaminant in water at which no known or anticipated adverse effects on the health of consumers occur and which allows an adequate margin of safety, as determined by federal and state agencies.” Maximum contaminant level goals are nonenforceable health goals.

Source. #8498, eff 11-30-05

Env-Ws 302.41 “Maximum residual disinfectant level (MRDL)” means a level of a disinfectant added for water treatment that can not be exceeded at the consumer’s tap without an unacceptable possibility of adverse health effects.

Source. #8498, eff 11-30-05

Env-Ws 302.42 “Maximum residual disinfectant level goal” means the level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of a person would occur and which allows an adequate margin of safety.

Source. #8498, eff 11-30-05

Env-Ws 302.43 “Maximum total trihalomethane potential (MTTP)” means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after 7 days at a temperature of 25° C or above.

Source. #8498, eff 11-30-05

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Ws 302.44 “Municipality” means a city, town, or other public body created by or pursuant to State law, or an Indian tribal organization authorized by law.

Source. #8498, eff 11-30-05

Env-Ws 302.45 “Municipal water system” means a public water system either owned and operated by a municipality, or an investor-owned public water system which serves a city, town, other public body created by or pursuant to state law, or Indian tribal organization authorized by law.

Source. #8498, eff 11-30-05

Env-Ws 302.46 “Near the first service connection” means at one of the 20 percent of all service connections in the entire system that are nearest the water supply treatment facility, as measured by water transport time within the distribution system.

Source. #8498, eff 11-30-05

Env-Ws 302.47 “NH drinking water rules” means any rule contained in Env-Ws 300.

Source. #8498, eff 11-30-05

Env-Ws 302.48 “Nephelometric” means the method of turbidity measurement required for public water supply sources by the EPA safe drinking water act in 40 CFR 141.

Source. #8498, eff 11-30-05

Env-Ws 302.49 “Non-community water system” means “non-community water system” as defined in RSA 485:1-a, X, namely “a public water system that is not a community water system.”

Source. #8498, eff 11-30-05

Env-Ws 302.50 “Non-transient non-community water system (NTNC)” means “non-transient non-community water system” as defined in RSA 485:1-a,XI, namely “a system which is not a community water system and which serves the same 25 people or more over 6 months per year.”

Source. #8498, eff 11-30-05

Env-Ws 302.51 “Operator” means “operator” as defined in RSA 485:1-a, XII, namely, “the individual who has direct management responsibility for the routine supervision and operation of a public water system or of a water treatment plant or collection, treatment, storage, or distribution facility or structure that is a part of a system.”

Source. #8498, eff 11-30-05

Env-Ws 302.52 “Optimal corrosion control treatment” means the corrosion control treatment that minimizes the lead and copper concentrations at users’ taps while insuring that the treatment does not cause the water system to violate any national primary drinking water regulations.

Source. #8498, eff 11-30-05

Env-Ws 302.53 “Owner” means “supplier of water” as defined in RSA 485:1-a, XVI-, namely, “any person who controls, owns or generally manages a public water system.”

Source. #8498, eff 11-30-05

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Ws 302.54 “Performance evaluation sample” means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by NH ELAP as specified in Env-C 300. The true value of the concentration of the reference sample is unknown to the laboratory at the time of the analysis.

Source. #8498, eff 11-30-05

Env-Ws 302.55 “Person” means “person” as defined in RSA 485:1-a, XIII, 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.”

Source. #8498, eff 11-30-05

Env-Ws 302.56 “Picocurie (pCi)” means the quantity of radioactive material producing 2.22 nuclear transformations per minute.

Source. #8498, eff 11-30-05

Env-Ws 302.57 “Point-of-entry treatment device” means a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

Source. #8498, eff 11-30-05

Env-Ws 302.58 “Point-of-use treatment device” means a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

Source. #8498, eff 11-30-05

Env-Ws 302.59 “Population served” means the determination of population for the classification of a water distribution system by using an equivalent of 100 gallons per capita per day.

Source. #8498, eff 11-30-05

Env-Ws 302.60 “Primary enforcement responsibility” means the primary responsibility for administration and enforcement of primary drinking water rules and related requirements applicable to public water systems within New Hampshire.

Source. #8498, eff 11-30-05

Env-Ws 302.61 “Public water system” means “public water system” as defined in RSA 485:I-a, XV, namely “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.”

Source. #8498, eff 11-30-05

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Ws 302.62 “Reliably and consistently below the MCL” means for a particular contaminant, that each water quality test result is less than 80% of the applicable MCL based on sampling for at least 4 consecutive quarters.

Source. #8498, eff 11-30-05

Env-Ws 302.63 “Rem” means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system.

Source. #8498, eff 11-30-05

Env-Ws 302.64 “Repeat compliance period” means any subsequent compliance period after the initial compliance period.

Source. #8498, eff 11-30-05

Env-Ws 302.65 “Residual disinfectant concentration” means the concentration of disinfectant measured in mg/l in a representative sample of water. For systems using chlorine as a disinfectant, the residual disinfectant concentration means free residual expressed in mg/l.

Source. #8498, eff 11-30-05

Env-Ws 302.66 “Running annual average” means a calculation made to determine compliance with an MCL where all water quality data taken within a one-year period are averaged and that number compared to the respective MCL, in which the average is recalculated by considering each new data point and dropping from consideration those data points that are more than one year old.

Source. #8498, eff 11-30-05

Env-Ws 302.67 “Sampling point” means the entry point to the distribution system which is representative of each well or surface supply after treatment and at which source compliance water quality samples shall be taken.

Source. #8498, eff 11-30-05

Env-Ws 302.68 “Sanitary survey” means an on-site inspection of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

Source. #8498, eff 11-30-05

Env-Ws 302.69 “Secondary maximum contaminant level (SMCL)” means “secondary maximum contaminant level” as defined in 40 CFR 143.2(f), which are for contaminants that primarily affect the aesthetic qualities of drinking water which in turn affect public acceptance of the drinking water.

Source. #8498, eff 11-30-05

Env-Ws 302.70 “Service line sample” means a one liter sample of water, collected in accordance with Env-Ws 381.15(c), that has been standing for at least 6 hours in a service line.

Source. #8498, eff 11-30-05

Env-Ws 302.71 “Significant deficiency” means a water system deficiency that can have a direct effect on the system’s water quality or can reduce the water system’s reliability and ability to deliver safe drinking water to its customers.

Source. #8498, eff 11-30-05

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Ws 302.72 “Small community water system” means a community water system as defined in RSA 485:1-a, I, which serves less than 1,000 residents and does not have fire protection provided by street hydrants.

Source. #8498, eff 11-30-05

Env-Ws 302.73 “Specific ultraviolet absorption (SUVA)” means an indicator of the humic content of water obtained by dividing a sample’s ultraviolet absorption at a wavelength of 254 nm (UV254) by its concentration of dissolved organic carbon (DOC) in milligrams per liter (mg/L.)

Source. #8498, eff 11-30-05

Env-Ws 302.74 “Standard water quality analysis” means a basic water quality analysis used to determine the acceptability of drinking water, including at least arsenic, bacteria, chloride, fluoride, hardness, iron, manganese, nitrates, pH, and sodium.

Source. #8498, eff 11-30-05

Env-Ws 302.75 “Suggested no adverse response level (SNARL)” means contaminant guidance levels suggested by EPA to prevent unnecessary health risk to consumers of public water systems.

Source. #8498, eff 11-30-05

Env-Ws 302.76 “Supplier of water” means “supplier of water” as defined in RSA 485:1-a, XVI, namely “any person who controls, owns or generally manages a public water system.”

Source. #8498, eff 11-30-05

Env-Ws 302.77 “Surface water” means all water which is open to the atmosphere and subject to surface runoff.

Source. #8498, eff 11-30-05

Env-Ws 302.78 “Surface water/ground water under the direct influence of surface water system (SW/GWUDISW)” means a public water system using surface water or ground water under the direct influence of surface water as a source that are subject to the requirements of Env-Ws 380.

Source. #8498, eff 11-30-05

Env-Ws 302.79 “System with a single service connection” means a system which supplies drinking water to consumers via a single line.

Source. #8498, eff 11-30-05

Env-Ws 302.80 “Too numerous to count (TNTC)” means that the total number of bacterial colonies exceeds 200 on a 47 mm diameter membrane filter used for coliform detection.

Source. #8498, eff 11-30-05

Env-Ws 302.81 “Total organic carbon (TOC)” means the sum of the concentration in mg/L of all organic carbon, measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to 2 significant figures.

Source. #8498, eff 11-30-05

Env-Ws 302.82 “Total trihalomethanes (TTHM)” means the sum of the concentration in mg/L of the trihalomethane compounds trichloromethane (chloroform), dibromochloromethane, bromodichloromethane, and tribromomethane (bromoform), rounded to 2 significant figures.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Source. #8498, eff 11-30-05

Env-Ws 302.83 “Transient non-community water system (TWS)”, means a non-community water system that serves at least 25 persons in a transitory setting such as a restaurant for more than 60 days each year.

Source. #8498, eff 11-30-05

Env-Ws 302.84 “Trihalomethane (THM)” means one of the family of organic compounds, named a derivative of methane, wherein 3 of the 4 hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

Source. #8498, eff 11-30-05

Env-Ws 302.85 “Treatment technique requirement” means a requirement of Env-Ws 300 which specifies for a contaminant a specific treatment technique(s) known to the department which leads to a reduction in the level of such contaminant sufficient to comply with the requirements of Env-Ws 300.

Source. #8498, eff 11-30-05

Env-Ws 302.86 “Virus” means a virus of fecal origin which is infectious to humans by waterborne transmission.

Source. #8498, eff 11-30-05

Env-Ws 302.87 “Waterborne disease outbreak” means the occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment.

Source. #8498, eff 11-30-05

PART Env-Ws 303 INTRODUCTION TO PUBLIC WATER SUPPLY REGULATORY PROGRAM

Env-Ws 303.01 Local Authority. Nothing in this chapter shall diminish any authority of a municipality to adopt or enforce any rules or ordinances respecting drinking water or public water systems, but no such rule or ordinances shall relieve any person of any requirements otherwise applicable under this chapter.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

Env-Ws 303.02 Access To Files.

(a) The files of the department relating to activities under RSA 485 that are not exempt from disclosure under RSA 91-A shall be open to public inspection upon reasonable public request during normal working hours.

(b) Information which is available for public inspection may be copied. For photocopies made by the applicant, the fee shall be per sheet at the coin-operated copier. A fee of \$0.25 per page shall be assessed for photocopies prepared by department personnel.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05 ; ss by #8498, eff 11-30-05

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Ws 303.03 Permit to Operate.

(a) The owner of each community and non-transient non-community water system shall obtain a permit to operate for each system from the department, pursuant to RSA 485:3-a. The permit shall be required beginning with state fiscal year 1991 and shall be renewable on July 1 of each successive year.

(b) The department shall issue a permit to operate to each community and non-transient non-community water system upon receipt of the following from the water system:

(1) For non-transient non-community water systems:

- a. The name of the system;
- b. The name, mailing address, and daytime telephone number of the owner; and
- c. An estimate of the number of persons served by the system on a repeat basis for at least 6 months per year;

(2) For community water systems:

- a. The name of the system;
- b. The name, mailing address, and daytime telephone number of the owner;
- c. The number of persons served by the water system; and
- d. The number of household service connections that the system has;

(3) For non-transient non-community water systems, the fee required by (c), below; and

(4) For community water systems, the fee calculated pursuant to (d) and (e), below.

(c) For non-transient non-community water systems, the fee shall be \$150 per year.

(d) For purposes of calculating the number of persons served by a community water system, the department shall assume 2.5 persons per household service connection.

(e) Based on this assumption, the fee for a community water system shall be as follows:

(1) For community water systems having 30 or more household service connections or household equivalents, the fee shall be \$300 per year; and

(2) For community water systems having less than 30 household service connections or household equivalents, the fee shall be \$10 per household service connection or household equivalent.

(f) The permit shall be displayed on the premises of each public water system in a clearly visible location.

(g) When a water system changes ownership and the permit fee for the current year has not been paid, the new owner shall pay the entire permit fee for the current year, however nothing herein shall be construed to prevent the new owner from seeking reimbursement of the fee, on a prorated basis or otherwise, from the previous owner.

(h) Fees for permits granted to new systems placed in operation in mid-year shall be calculated and paid on a prorated basis for that permit period.

(i) For purposes of calculating the fee, 2 or more systems on the same property owned by the same person shall be deemed to be a single water system.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(j) If paid by check, fees for the permit to operate shall be paid by separate check from other fees which may be owed to the department.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

Env-Ws 303.04 Siting Requirements. Before a person may enter into a financial commitment for or to initiate construction of a new public water system or increase the capacity of an existing public water system, the person shall:

- (a) Notify the department; and
- (b) To the extent practicable, avoid locating part or all of the new or expanded facility at a site which:
 - (1) Is subject to a risk greater than 1% from earthquakes, floods, fires or other disasters which could cause a breakdown of the public water system or a portion thereof; or
 - (2) Except for intake structures, is within the floodplain of a 100-year flood or is lower than any recorded high tide where appropriate records exist.

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

Env-Ws 303.05 Entry and Inspection of Public Water Systems.

(a) Any supplier of water or other person subject to a drinking water rule shall allow staff of the department to enter any establishment, facility, or other property owned by or under the control of such supplier or other person to determine whether such supplier or other person has acted or is acting in compliance with the requirements of Env-Ws 300.

- (b) Such inspection shall include:
 - (1) Inspection of records, files, paper, processes, controls, and facilities; and
 - (2) Tests of any feature of a public water system, including its raw water source, provided that when such tests are deemed necessary for the immediate protection of the consumers' health, the tests will be at the owner's expense.
- (c) The owner may request identification from the inspector.

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

Env-Ws 303.06 Hydrogeologic or Engineering Study.

(a) In a case of noncompliance with the requirements of Env-Ws 300 for the sizing or configuration of water system facilities or failure to meet a MCL, the system owner shall undertake an engineering or other appropriate study to determine the design factors and alternative methods of correcting the deficiencies, the cost of which shall be borne by the owner.

(b) Systems serving more than 50 service customers shall be required to use the services of a New Hampshire registered professional engineer or professional geologist, as appropriate, when a study includes engineering design or hydrogeologic investigations or solutions.

(c) Systems which have already performed a study for a particular MCL shall not be required to restudy the same scope of work. Where the exceedence of a MCL continues to occur, the system owner shall undertake other appropriate investigations.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

Env-Ws 303.07 Submission of Descriptive Data.

(a) All public water systems shall provide, on request of the department, data which is descriptive of the present facilities, status of current operational level, and future plans for expansion.

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

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

PART Env-Ws 304 RECORDKEEPING RESPONSIBILITY OF SYSTEMS

Env-Ws 304.01 Recordkeeping Responsibility.

(a) Each water system owner shall maintain records for all requirements of Env-Ws 300, including tests, measurements, and analyses performed on each public water system to determine compliance with applicable provisions of the NH drinking water rules, for review by all customers.

(b) The system owner shall provide copies of this information upon request to customers and state and local officials, and may charge customers a reasonable fee for such copies.

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

Env-Ws 304.02 Microbiological Records.

(a) Each system shall retain all records of microbiological analyses, including repeat or special samples, for not less than 5 years.

(b) Actual laboratory reports may be kept or data may be transferred to tabular summaries, provided that the information retained includes:

- (1) The analytical method used;
- (2) The number of samples analyzed each month; and
- (3) The analytical results, set forth in a form which makes possible comparison with the limits specified in Env-Ws 315.01.

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

Env-Ws 304.03 Turbidity Records.

(a) Each system using surface water, in part or in whole, shall retain records of turbidity measurements for not less than one year.

(b) Turbidity records shall include the following information:

- (1) Date and place of sampling; and
- (2) Date and results of analyses.

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Ws 304.04 Radionuclide Records. An owner of a community water system subject to the provisions of Env-Ws 324 shall retain:

- (a) The records of analysis, until the records are at least 10 years old;
- (b) The records of action taken by the system owner to correct violations of Env-Ws 324, for a minimum of 3 years after the last action taken with respect to the particular violation involved;
- (c) The public notice issued pursuant to Env-Ws 351 through Env-Ws 359, for a minimum of 3 years after issuance; and
- (d) The exemption or variance, issued pursuant to Env-Ws 341 through Env-Ws 349, for at least 5 years following the expiration of the variance or exemption.

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

Env-Ws 304.05 Disinfection Residual.

- (a) Each system that is required to disinfect shall retain records of disinfection measurements until the records are at least 10 years old.
- (b) Disinfection records shall include the following information:
 - (1) Date and place of sampling; and
 - (2) Date and results of analyses.

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

Env-Ws 304.06 Asbestos Records. Records of any determination made pursuant to Env-Ws 326.08 that a system shall conduct repeat monitoring for asbestos shall:

- (a) Include the basis for that decision;
- (b) Identify the repeat monitoring frequency; and
- (c) Be retained until the records are at least 10 years old.

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

Env-Ws 304.07 Lead, Copper, and Corrosion Testing.

- (a) Each system shall retain records of lead and copper samples and corrosion measurements until the records are at least 12 years old.
- (b) Lead, copper, and corrosion testing records shall include the following information:
 - (1) Date, place, and context of the sample; and
 - (2) Date and results of analyses.
- (c) Data shall also be maintained concerning the types and concentrations of chemical treatments.
- (d) Records of lead service line replacement shall not be destroyed if they are less than 10 years old.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

Env-Ws 304.08 Acrylamide / Epichlorohydrin Water Quality Records. For systems using acrylamide/epichlorohydrin, records shall not be destroyed if they are less than 10 years old in order to demonstrate the system's compliance with the treatment techniques for acrylamide or epichlorohydrin, as applicable, in Env-Ws 327.90.

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

Env-Ws 304.09 Water Quality Records Other Than Microbiological and Turbidity.

(a) Records of analyses for other than microbiological contaminants, including residual disinfection concentration, temperature and pH measurement or turbidity shall not be destroyed if they are less than 10 years old.

(b) Such records shall include at least the following information:

- (1) Date and place of sampling; and
- (2) Date and results of analyses.

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

Env-Ws 304.10 Recordkeeping for Filtration. Recordkeeping requirements for surface water filtration shall be as specified in Env-Ws 380.25.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

Env-Ws 304.11 Other Treatments. Records of other chemical treatment shall be retained for at least 3 years.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

Env-Ws 304.12 Monitoring Waivers. A system shall maintain its most recent monitoring waiver approval letter, including a copy of application and any additional information submitted to support the waiver.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

Env-Ws 304.13 Sanitary Survey Records. The records of sanitary surveys shall not be destroyed unless they are at least 10 years old.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8040, eff 2-14-04; ss by #8498, eff 11-30-05

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Ws 304.14 Public Notice Recordkeeping. The records of public notices shall be kept by the system for at least 3 years.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

PART Env-Ws 305 COATINGS AND ADDITIVES; LEAD PROHIBITION

Env-Ws 305.01 Coatings, Surfaces, and Additives.

(a) All chemicals added to drinking water and all coatings and surfaces in contact with drinking water shall be tested and certified in accordance with the applicable direct and indirect additives standard numbers 60 and 61 of the American National Standards Institute (ANSI), as indicated in Table 305-1.

(b) For chemicals, the original producer of the product shall obtain the certification. Repackers of chemicals shall not be required to obtain separate certification, provided however, that repackers shall self-certify that the cleanliness of their procedures and purity of the resultant product is equivalent to that required of the original manufacturer.

(c) Any person who undertakes reformulation of chemicals shall obtain certification in accordance with ANSI 60.

(d) Agencies or firms providing testing and certification for others shall be certified by the ANSI.

(e) The applicable ANSI standard for materials covered by (a), above, shall be as specified in Table 305-01:

Table 305-1
ANSI 60 and 61 APPROVALS

<u>Product Type</u>	<u>ANSI Standard Number</u>	<u>Edition</u>
Drinking Water Treatment Chemicals	60	01/05/2004
Pipes and Related Products	61	11/22/2003
Protective (Barrier) Products	61	11/22/2003
Joining and Sealing Materials	61	11/22/2003
Process Media	61	11/22/2003
Mechanical Devices	61	11/22/2003

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

Env-Ws 305.02 Prohibition on Use of Lead Pipes, Solder, and Flux.

(a) All pipe, solder, or flux used in or on drinking water plumbing shall be lead-free as defined by (d), below.

(b) This section shall not apply to leaded joints necessary for the repair of cast iron pipes but shall otherwise apply to the installation or repair of:

- (1) Any public water system; and
- (2) Any plumbing in a residential or non-residential facility providing water for human consumption which is connected to a public water system.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(c) The requirements of (a), above, shall apply notwithstanding any contrary provision in the state or local plumbing codes or the rules of the state board for the licensing and regulation of plumbers.

(d) For purposes of this section, the term “lead-free” means:

- (1) When used with respect to solders and flux, containing not more than 0.2 percent lead; and
- (2) When used with respect to pipes and pipe fittings, containing not more than 8.0 percent lead.

Source. (See Revision Note at chapter heading for Env-Ws 300); ss by #8498, eff 11-30-05

PART Env-Ws 306 SANITARY SURVEY

Env-Ws 306.01 Sanitary Survey Field Inspections.

(a) Each public water system shall be subject to a periodic, detailed field inspection known as a sanitary survey. The purpose of this sanitary survey shall be to conduct an on-site review of the public water system in order to evaluate the adequacy of source(s), water quality, storage facilities, equipment, and operation and maintenance procedures to produce and distribute safe drinking water. The department shall give at least 24 hours’ notice of the survey to the operator and owner.

(b) The sanitary survey shall include, but not be limited to, the following areas:

- (1) The water system’s layout and general information;
- (2) Water quality;
- (3) Sources of supply;
- (4) Storage facilities;
- (5) Treatment facilities;
- (6) Pumping facilities;
- (7) Distribution system;
- (8) Financial capacity;
- (9) Managerial capacity;
- (10) Technical capacity; and
- (11) Security.

(c) If the department conducts a sanitary survey at a transient non-community water system 12 months or more after the last water quality samples were collected by the system, the department shall collect water samples during the sanitary survey and analyze the samples for those parameters the system is required to test for, the cost of which shall be borne by the system.

(d) The minimum frequency of sanitary surveys shall be as shown in Table 306-1, below:

Table 306-1
Frequency of Sanitary Surveys

<u>Type of System</u>	<u>Frequency of Sanitary Survey</u>
Community:	3 years
Non-transient non-community	3 years
Transient non-community	5 years

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (e) The certified operator of the water system shall be present during the sanitary survey.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

Env-Ws 306.02 Significant Deficiencies for Small Community and Non-Community water systems.

(a) During a sanitary survey at a small community or non-community water system, facility and operational deficiencies shall be identified as described in this section.

- (b) Any of the following deficiencies shall be identified as a significant facility deficiency:

- (1) Not having a proper vent on an atmospheric tank;
- (2) Not having duplicate booster pumps;
- (3) Having a pump house subject to flooding;
- (4) Not having individual sampling taps;
- (5) Having a buried well casing;
- (6) Having a well head subject to flooding;
- (7) Not having a secured protective radius;
- (8) Not having proper dug well construction;
- (9) Having a water storage tank subject to contamination;
- (10) Having a well located in a flooded vault;
- (11) Having water storage facilities with unscreened openings;
- (12) Storing hazardous material or debris in the sanitary radius of a well; or
- (13) Having an unsealed well.

- (c) Any of the following deficiencies shall be identified as a significant operational deficiency:

- (1) Not having a certified operator when required;
- (2) Storing hazardous material or debris in or immediately near the wells or pumphouse;
- (3) Not having the required number of operative wells;
- (4) Having an inoperative treatment facility;
- (5) Not having an approved emergency plan; or
- (6) Having a non-approved well in use.

(d) The department shall inform the system owner of all significant facility and operational deficiencies in writing.

(e) The system owner shall correct all significant operational or facility deficiencies within 90 days of the date of the notice provided pursuant to (d), above, unless an alternative date has been established based on the severity or the complexity of the noted deficiency. Failure to complete the response and correct the deficiency(ies) shall subject the system to enforcement as specified in RSA 485:58.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Source. #8498, eff 11-30-05

PART Env-Ws 307 STANDARDS ADOPTED BY REFERENCE

Env-Ws 307.01 Standards of the American Water Works Association.

(a) The quality, materials and workmanship standards specified in Table 307-1 shall apply to all public water systems relative to construction, operation and maintenance activities as regulated by Env-Ws 300:

Table 307-1
Standards of the American Water Works Association

<u>Standard Category/Number</u>	<u>Edition</u>	<u>Title of Standard</u>
SOURCE		
A100	1997	Water Wells
TREATMENT		
Filtration		
B100	2001	Filtering Material
B101-01	2001	Precoat Filter Media
B102-04	2004	Manganese Greensand for Filters
Softening		
B200	2003	Sodium Chloride
B201	2003	Soda Ash
B202	2002	Quicklime and Hydrated Lime
Disinfection Chemicals		
B300	2004	Hypochlorites
B301	2004	Liquid Chlorine
B302	2000	Ammonium Sulfate
B303	2000	Sodium Chlorite
Coagulation		
B402	2000	Ferrous Sulfate
B403	2003	Aluminum Sulfate-Liquid Ground, or Lump
B404	2003	Liquid Sodium Silicate
B405	2000	Sodium Aluminate
B406	1997	Ferric Sulfate
B407	1998	Liquid Ferric Chloride
B408	2003	Liquid Polyaluminum Chloride
B451	2004	Poly (Diallyldimethylammonium Chloride)
B452	1998	EPI-DMA Polyamines
B453	2001	Polyacrylamide
Scale and Corrosion Control		
B501	2003	Caustic Soda (Sodium Hydroxide)
B502	2001	Sodium Polyphosphate, Glassy (Sodium Hexametaphosphate)
B503	2001	Sodium Tripolyphosphate
B504	2001	Monosodium Phosphate, Anhydrous
B505	2001	Disodium Phosphate, Anhydrous
B510	2000	Carbon Dioxide

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

B511	2000	Potassium Hydroxide
B512	2002	Sulfur Dioxide
B550	2000	Calcium Chloride
Taste and Odor Control		
B600	1996	Powdered Activated Carbon
B601	2000	Sodium Metabisulfite (Sodium Pyrosulfite)
B602	2002	Copper Sulfate
B603	2003	Potassium Permanganate
B604	1996	Granular Activated Carbon
B605	1999	Reactivation of Granulated Activated Carbon
Prophylaxis		
B701	1999	Sodium Fluoride
B702	1999	Sodium Silicofluoride
B703	2000	Hydrofluosilicic Acid
PIPE and ACCESSORIES		
C104/A21.4	2003	American National Standard for Cement-Mortar Lining for Ductile-Iron Pipe and Fittings for Water
C105/A21.5	1999	American National Standard for Polyethylene Encasement for Ductile-Iron Piping for Water and Other Liquids
C110/A21.10	2003	American National Standard for Ductile-Iron and Gray-iron Fittings, 3 in. through 48 in., for Water and Other Liquids
C111/A21.11	2000	American National Standard for Rubber-Gasket Joints for Ductile-Iron and Gray-Iron Pressure Pipe and Fittings
C115/A21.15	1999	American National Standard for Flanged Ductile-Iron Pipe With Threaded Flanges
C116/A21.16	2003	American National Standard for Protective Fusion-Bonded Epoxy Coatings Int.& Ext. Iron/Gray-Iron Fittings
C150/A21.50	2002	American National Standard for the Thickness Design of Ductile-Iron Pipe
C151/A21.51	2002	American National Standard for Ductile-Iron Pipe centrifugal Cast for Water or Other Liquids
C153/A21.53	2000	American National Standard for Ductile-Iron Compact Fittings, 2 in. through 16 in., for Water and Other Liquids
Steel Pipe		
C200	1997	Steel Water Pipe 6 in. and Larger
C203	2002	Coal-Tar Protective Coatings and Linings for Steel Water Pipelines- Enamel and Tape-Hot Applied
C205	2000	Cement Mortar Protective Lining and Coating for Steel Water Pipe-4in. and Larger-Shop Applied
C206	1997	Field Welding of Steel Water Pipe
C207	2001	Steel Pipe Flanges for Waterworks Service-Sizes 4 in. through 144 in.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

C208	2001	Dimensions for Fabricated Steel Water Pipe Fittings
C209	2000	Cold-Applied Tape Coatings for the Exterior of Special Sections, Connections, and Fittings for Steel Water Pipelines
C210	2003	Liquid Epoxy Coating Systems for the Interior of Steel Water Pipelines
C213	2001	Fusion-Bonded Epoxy Coating for the Interior and Exterior of Steel Water Pipelines
C214	2000	Tape Coating Systems for the Exterior of Steel Water Pipelines (Includes addendum C214a-91)
C215	2004	Extruded Polyolefin Coatings for the Exterior of Steel Water Pipelines
C216	2000	Heat-Shrinkable Cross-Linked Polyolefin Coatings for the Exterior of Special Sections, Connections, and Fittings for Steel Water Pipelines
C217	2004	Cold-Applied Petrolatum Tape and Petroleum Wax Tape Coatings for the Exterior of Special Sections, Connections
C218	2002	Coating the Exterior of Aboveground Steel Water Pipelines and Fittings
C219	2001	Bolted, Sleeve-Type Couplings for Plain-End Pipe
C220	1998	Stainless-Steel Pipe, 4 in. (100mm) and Larger Concrete Pipe
C221	2001	Fabricated Steel Mechanical Slip-Type Expansion Joints
C222	1999	Polyurethane Coatings for the Interior and Exterior of Steel Water Pipe and Fittings
C223	2002	Fabricated Steel and Stainless Steel Taping Sleeves
C224	2001	Two-Layer Nylon-11 Based Polyamide Coating System for Interior and Extended Water Pipe and Fittings
C225	2003	Fused Polyolefin Coating Systems for the Exterior of Steel Water Pipeline
Concrete Pipe C300	2004	Reinforced Concrete Pressure Pipe, Steel-Cylinder Type, for Water and Other Liquids
C301	1999	Prestressed Concrete Pressure Pipe, Steel-Cylinder Type, for Water and Other Liquids
C302	2004	Reinforced Concrete Pressure Pipe, Non-cylinder Type, for Water and Other Liquids
C303	2002	Reinforced Concrete Pressure Pipe, Steel-Cylinder Type, Pretensioned, for Water and Other Liquids
C304	1999	Design of Concrete Cylinder Pipe Asbestos-Cement Pipe
Asbestos Cement C400	2003	Asbestos-Cement Distribution Pipe, 4 in. through 16 in. (100 mm through 400 mm) NPS, for Water and Other Liquids

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

C401	2003	Practice for the Selection of Asbestos- Cement Distribution Pipe, 4 in. through 6 in. (100 mm through 400 mm) for Water and Other Liquids
C402	2005	Asbestos-Cement Transmission Pipe, 18 in. through 42 in. (450 mm through 1050 mm), for Potable Water and Other Liquids
C403	2005	Practice for the Selection of Asbestos- Cement Transmission and Feeder Main Pipe, Sizes 18 in. through 42 in. (450 mm through 1050 mm)
Valves and Hydrants		
C500	2002	Gate Valves for Water and Sewerage Systems
C502	1994	Dry-Barrel Fire Hydrants
C503	1997	Wet-Barrel Fire Hydrants
C504	2000	Rubber-Seated Butterfly Valves
C507	2005	Ball Valves 6 in. through 48 in. (150 mm through 1200 mm)
C508	2001	Swing-Check Valves for Waterworks Service, 2 in. through 24 in. NPS
C509	2001	Resilient-Seated Gate Valves for Water and Sewerage Systems
C510	1997	Double Check Valve Backflow-Prevention Assembly
C511	1997	Reduced-Pressure Principle Backflow-Prevention Assembly
C512	2004	Air Release, Air/Vacuum, and Combination Air Valves for Waterworks Service
C513	2005	Open-Channel, Fabricated-Metal, Slide Gates and Open-Channel, Fabricated-Metal Weir Gates
C515	2001	Reduced-Wall, Resilient-Seated Gate Valves for Water Supply Service
C540	2002	Power-Actuating Devices for Valves and Sluice Gates
C550	2001	Protective Epoxy Interior Coatings for Valves and Hydrants
C560	2000	Cast-Iron Slide Gates
C561	2004	Fabricated Stainless Steel Slide Gates
C563	2004	Fabricated Composite Slide Gates
PIPE INSTALLATION		
C600	1999	Installation of Ductile-Iron Mains and Their Appurtenances
C602	2000	Cement-Mortar Lining of Water Pipelines-4 in. (100 mm) and Larger-In Place
C603	1996	Installation of Asbestos-Cement Pressure Pipe
C605	1994	Underground Installation of Polyvinyl Chloride(PVC) Pressure Pipe and Fittings for Water
C606	2004	Grooved and Shouldered Joints
DISINFECTION OF FACILITIES		
C651	1999	Disinfecting Water Mains

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

	C652	2002	Disinfection of Water-Storage Facilities
	C653	2003	Disinfection of Water Treatment Plants
	C654	2003	Disinfection of Wells
METERS			
	C700	2002	Cold-Water Meters-Displacement Type, Bronze Main Case
	C701	2002	Cold-Water Meters-Turbine Type, for Customer Service
	C702	2001	Cold-Water Meters-Compound Type
	C703	1996	Cold-Water Meters-Fire Service Type
	C704	2002	Cold-Water Meters-Propeller Type for Main Line Applications
	C706	1996	Direct-Reading, Remote-Registration Systems for Cold-Water Meters
	C707	1982	Encoder-Type Remote-Registration Systems for Cold-Water Meters
	C708	1996	Cold-Water Meters-Multi-Jet Type
	C710	2002	Cold-Water Meters-Displacement Type, Plastic Main Case
	C712	2002	Cold-Water Meter—Singlejet Type
	C750	2003	Transit-Time Flowmeters in Full Closed Conduits
SERVICE LINES			
	C800	2001	Underground Service Line Valves and Fittings
PLASTIC PIPE			
	C900	1997	Polyvinyl Chloride (PVC) Pressure Pipe, 4 in. through 12 in., for Water Distribution
	C901	2002	Polyethylene (PE) Pressure Pipe and Tubing, 1/2 in. through 3 in., for Water Service
	C903	2002	Polyethylene-Aluminum-Polyethylene and Crosslinked Polyethylene Composite Pressure Pipes
	C905	1997	Polyvinyl Chloride (PVC) Water Transmission Pipe, Nominal Diameters 14 in. through 36 in.
	C906	1999	Polyethylene (PE) Pressure Pipe and Fittings, 4 in. through 63 in., for Water Distribution
	C907	2004	Polyvinyl Chloride (PVC) Pressure Fittings for Water-4 in. through 8 in. (100 mm through 200 mm)
	C908	2001	PVC Self-Tapping Saddle Tees for Use on PVC Pipe
	C909	2002	Molecularly Oriented Polyvinyl Chloride (PVCO) Pressure Pipe, 4 In.-24(mm), for Water Distribution
	C950	2001	Fiberglass Pressure Pipe
STORAGE			
	D100	1996	Welded Steel Tanks for Water Storage (Includes addendum D100a 1989)
	D102	2003	Coating and Steel Water-Storage Tanks
	D103	1997	Factory-Coated Bolted Steel Tanks for Water

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

D104	2004	Storage Automatically Controlled, Impressed-Current Cathodic Protection for the Interior of Steel Water Tanks
D110	2004	Wire-Wound Circular Prestressed-Concrete Water Tanks
D115	1995	Circular Prestressed Concrete Water Tanks with Circumferential Tendon
D120	2002	Thermosetting Fiberglass-Reinforced Plastic Tanks
D130	2002	Flexible-Membrane-Lining and Floating- Cover Materials for Potable-Water Storage
PLANT EQUIPMENT		
F101	2002	Contact-Molded, Fiberglass-Reinforced Plastic Wash Water Troughs
F102	2002	Matched-Die-Molded, Fiberglass-Reinforced Plastic Weir Plates, Scum B Mounting Brackets

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

PART Env-Ws 308 CRITERIA AND PROCEDURES FOR NON-CENTRAL TREATMENT

Env-Ws 308.01 Definitions. “Equivalent treatment” means that the water from non-central treatment devices meets all NH drinking water rules and will be of acceptable quality similar to water distributed by a properly-operated central treatment plant.

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

Env-Ws 308.02 Point-of-Entry Treatment.

(a) Point-of-entry (POE) treatment shall be used only where:

- (1) There are no non-contaminated sources reasonably available; and
- (2) Centralized treatment is not feasible.

(b) To obtain approval to install POE treatment, the owner of the water system shall submit the following in writing to the department:

- (1) The name, location, and EPA identification number of the system;
- (2) The contaminant(s) proposed to be treated by the POE devices;
- (3) An explanation of the system’s attempts to locate non-contaminated sources; and
- (4) An explanation, with supporting documentation, of why centralized treatment is not feasible.

(c) The department shall approve a POE treatment concept if it determines that:

- (1) A non-contaminated source is not available to the water system;
- (2) Centralized treatment is not feasible; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (3) The POE devices will provide equivalent treatment.
- (d) The public water system owner shall operate and maintain each POE treatment unit.
- (e) The public water system owner shall develop a monitoring plan consistent with Env-Ws 320 through Env-Ws 329 and obtain department approval for that plan before installing any POE device. Under the plan approved by the department, POE devices shall provide health protection equivalent to central water treatment. The monitoring plan for POE devices shall also include physical measurements, observations such as total flow treated, the mechanical condition of the treatment equipment, the microbiological purity of the water, and a maintenance schedule.
- (f) The design submittal for the POE treatment shall include the following certifications:
 - (1) The owner shall certify the performance, field testing, and, if not included in the certification process, shall conduct an engineering design review of the POE devices for all contaminant categories, at all relevant flow rates; and
 - (2) The certification of the design and application of the POE devices shall consider the tendency for an increase in heterotrophic bacteria concentrations in water treated with activated carbon.
- (g) The layout of the installation shall insure that all consumers shall be equally protected. Every building connected to a system for which a POE treatment is allowed shall have a POE device, which is installed, maintained, and adequately monitored. The owner shall submit data documenting that every building is subject to treatment and monitoring. If POE treatment is used, it shall remain a permanent part of the supply and shall not be separated by sale, lease, or other conveyance of the property.

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

Env-Ws 308.03 Point-of-Use Treatment.

- (a) Point-of-use (POU) treatment shall be used only where:
 - (1) There are no non-contaminated sources reasonably available;
 - (2) Centralized treatment or POE is not feasible; and
 - (3) Absorption of the contaminant(s) through the skin is not a significant exposure pathway, as determined using health risk assessment data based on the type(s) and concentration(s) of the contaminant(s) known to be present.
- (b) To obtain approval to install POU treatment, the owner of the water system shall submit the following in writing to the department:
 - (1) The name, location, and EPA identification number of the system;
 - (2) The contaminant(s) proposed to be treated by the POU devices;
 - (3) An explanation of the system's attempts to locate non-contaminated sources; and
 - (4) An explanation, with supporting documentation, of why centralized treatment or POE is not feasible.
- (c) The department shall approve a POU treatment concept if it determines that:
 - (1) A non-contaminated source is not available to the water system;
 - (2) Centralized treatment or POE is not feasible; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (3) The POE devices will provide equivalent treatment.
- (d) POU treatment shall not be approved for use at new community water systems.
- (e) The public water system shall operate and maintain the POU treatment system.
- (f) The public water system shall develop a monitoring plan consistent with Env-Ws 320 through Env-Ws 329 and obtain department approval for the plan before installing POU treatment devices. This monitoring plan shall provide health protection equivalent to a monitoring plan for central water treatment.
- (g) The approved technology shall be applied under a plan approved by the department and the microbiological safety of the water shall be maintained.
- (h) The department shall require from the system adequate certification of performance, field testing, and, if not included in the certification process, a complete engineering design review of the POU devices.
- (i) The design and application of the POU devices shall consider the tendency for an increase in heterotrophic bacteria concentrations in water treated with activated carbon. If bacterial presence occurs, the water system owner shall use frequent backwashing, post contactor disinfection, heterotrophic plate count monitoring, or any combination of these techniques to ensure that the microbiology safety of the water is not compromised.
- (j) All consumers shall be equally protected where POU treatment is allowed. Every building connected to a system shall have a POU device installed, maintained, and monitored. The water system owner shall submit data documenting that every building is subject to treatment and monitoring. If POU treatment is used, it shall remain a permanent part of the supply and shall not be separated by sale, lease, or other conveyance of the property.

Source. (See Revision Note at chapter heading Env-Ws 300) by #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8498, eff 11-30-05

Env-Ws 308.04 Goals and Policy for Point-of-Use Treatment.

- (a) POU treatment shall not be approved for contaminants that volatilize easily such as hydrogen sulfide or volatile organic compounds (VOCs), nor for contaminants that cause staining or pipe deposits such as iron, manganese, and hardness.
- (b) POU treatment shall be an alternate to centralized treatment to achieve compliance with the MCL requirements specified in Env-Ws 310 through 315. POU treatment shall be most appropriate for very small public water systems having contaminants that are difficult to treat or difficult to dispose of, or having a pump station that is inadequately sized for full scale treatment.
- (d) The department shall not approve a POU concept for an existing community water system unless the system evaluates interconnecting to another compliant water system and the availability of another water supply source(s) and determines that neither option is feasible.
- (e) A POU concept shall only be acceptable for contaminant concentrations of not more than 5 times the MCL.
- (f) The goal of Env-Ws 308.03 through Env-Ws 308.10 shall be to ensure that a POU treatment concept achieves the same level of health protection as would be achieved with central treatment.

Source. (See Revision Note at chapter heading Env-Ws 300); ss by #8498, eff 11-30-05

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Ws 308.05 POU User Agreement.

(a) The department shall not approve the use of POU unless all current owners or renters of property served by the water system agree to the implementation of POU after the system owner provides them with educational information regarding how the POU device works.

(b) The owner of each water system proposing to use POU shall provide to the department:

(1) Written verification of the acceptance of the concept by all current owners and renters; and

(2) Written verification of the willingness of the customers of each property to be served by POU to grant an easement or other covenant on the property that requires any future owner of that service connection or property to abide by the POU treatment concept.

Source. (See Revision Note at chapter heading Env-Ws 300);
ss by #8498, eff 11-30-05

Env-Ws 308.06 POU Equipment Requirements.

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

(b) The POU device shall be installed and maintained by the owner of the public water system, provided however that the system may contract maintenance and the repair of the devices to others.

(c) All devices shall have a mechanical warning indicator showing the treatment capacity remaining.

(d) If a certification for the POU device is available from the National Sanitation Foundation or the Water Quality Association, the devices shall be certified.

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

(f) A system 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 which support the request.

(g) The request shall be submitted as a waiver per Env-Ws 301.05.

Source. (See Revision Note at chapter heading Env-Ws 300);
ss by #8498, eff 11-30-05

Env-Ws 308.07 POU Compliance Requirements.

(a) The system owner shall collect a sample of untreated water annually in the sampling quarter designated by the department and have the sample analyzed for the contaminant(s) for which the POU device is treating.

(b) The system owner shall collect a treated sample and have the sample tested for the contaminant(s) from each POU device annually in the sampling quarter designed by the department. Samples from up to 5 devices may be composited by the laboratory to which the samples are taken for analysis. If composite samples are tested, samples from the same POU devices shall be composited during each future sampling event.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(c) If the results of a composite sample show contaminant levels greater than the expected treatment efficiency of the device, each individual POU device shall be sampled within 14 days of receipt of the composite sample data results.

(d) A treated water sample shall be taken within 14 days of the connection whenever any new device is installed or when a new service customer is connected to the system.

Source. (See Revision Note at chapter heading Env-Ws 300);
ss by #8498, eff 11-30-05

Env-Ws 308.08 Violation of MCL when using POU.

(a) If an MCL violation occurs at a system using POU treatment, the system shall:

(1) Immediately provide the standard MCL violation notice to the customer(s) having the exceedence;

(2) Provide alternate water as soon as possible but no greater than 3 days after receipt of the data; and

(3) Make repairs to the device within 7 days.

(b) The repaired device shall be retested to determine whether the MCL is being met.

(c) Alternate water shall continue to be supplied until the results of a retest show that the MCL is being met.

Source. (See Revision Note at chapter heading Env-Ws 300);
ss by #8498, eff 11-30-05

Env-Ws 308.09 POU Ongoing User Education.

(a) Where POU treatment is used, written educational materials shall be given to water users every 6 months concerning the importance of using POU treated water for drinking water consumption and food preparation.

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

(c) The educational wording shall be:

“Periodic Educational Notice

The (name of system) public water system has chosen to use a point-of-use treatment concept to reduce the concentration of (name of contaminant) in the water system serving (name of users). In a point-of-use concept, 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 treatment device typically is placed on the kitchen faucet. The water at all other faucets in your home/office exceeds the maximum contaminant level (MCL) for (contaminant) and should not be used for consumption or used in any food preparation.

The average concentration of the (contaminant) in untreated water is (concentration) parts per million (ppm). The State of New Hampshire’s MCL for (contaminant) in drinking water is (concentration) ppm. There is no health concern relative to using untreated water for dish washing, clothes washing, personal hygiene, and other non-consumptive uses from other faucets in your home. For further information, please call (name of water system contact) at (telephone number).”

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Source. (See Revision Note at chapter heading Env-Ws 300);
ss by #8498, eff 11-30-05

Env-Ws 308.10 Long-Term Use of POU Treatment.

(a) The long-term acceptability of POU treatment shall be judged by an annual review of the system's level of compliance.

(b) The department shall assess the level of non-compliance of POU systems annually using the following schedule of deficiency points:

- (1) For an MCL violation, 5 deficiency points per device shall be assigned;
- (2) For failure to maintain devices, 3 deficiency points per device shall be assigned;
- (3) For failure to monitor water quality, 3 deficiency points per device shall be assigned; and
- (4) For failure to provide educational notice, 3 deficiency points per device shall be assigned.

(c) If a system accumulates 20 or more deficiency points in a running 3-year period, the department shall initiate a proceeding under the provisions of Env-C 200 relative to adjudicative proceedings to revoke the POU conceptual approval and require the system to install full scale treatment.

Source. (See Revision Note at chapter heading Env-Ws 300);
ss by #8498, eff 11-30-05

Env-Ws 308.11 Bottled Water.

(a) Public water systems that receive approval to use bottled water as a condition for receiving a variance or an exemption from the requirements of Env-Ws 310 through Env-Ws 316 shall meet the following requirements:

- (1) The department shall require and approve a monitoring program for bottle water based on requirement in Env-Ws 320 through Env-Ws 329. The public-water system shall develop and put in place a monitoring program that assures that the bottled water meets all MCLs;
- (2) The public water system shall monitor a representative sample of the bottled water for all contaminants in Env-Ws 310 through Env-Ws 316 during the first quarter that it supplies the bottled water to its customers, and annually thereafter. The public water system shall provide the results of the monitoring program to the department within 10 days after the beginning of the first quarter in which bottled water is provided and annually thereafter; or
- (3) The public water system shall receive a certification from the bottled water company that the bottled water supplied has been taken from a "NH-approved source of bottled water" and the bottled water does not exceed any MCLs. The public water system shall provide the certification to the department within 10 days after the beginning of the first quarter in which bottled water is provided and annually thereafter.

(b) The public water system shall provide sufficient quantities of bottled water to every person supplied by the public water system, via door-to-door bottled water delivery.

Source. (See Revision Note at chapter heading Env-Ws 300);
ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by
#8498, eff 11-30-05 (formerly Env-Ws 308.30)

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

APPENDIX

Rule Section(s)	State Statute(s) Implemented	Federal Regulation(s) Implemented
Env-Ws 301 (also see specific section listed below)	RSA 485:2, V	40 CFR 141.1
Env-Ws 301.05	RSA 541-A:22, IV	
Env-Ws 302	RSA 485:1-a	40 CFR 141.2
Env-Ws 303	RSA 485:3, I	40 CFR 141.5
Env-Ws 304	RSA 485:41, IX	40 CFR 141 Subpart D
Env-Ws 305	RSA 485:3, VIII	
Env-Ws 306	RSA 485:1, II(d)	
Env-Ws 307	RSA 485:41, III	
Env-Ws 308	RSA 485:1-a; 485:3	40 CFR 141 Subpart J