

Effective November 18, 2017, Env-Dw 701.05 reads as follows:

Env-Dw 701.05 Definition of Clean Compliance History. “Clean compliance history” means a record, over the prior 12 months, of:

- (a) No MCL violations under Env-Dw 702;
- (b) No monitoring violations under Env-Dw 707 through Env-Dw 717, Env-Dw 719, and Env-Dw 723;
- (c) No coliform treatment technique trigger exceedances or treatment technique violations under 40 CFR 141 Subpart Y, §§851- 861;
- (d) No violations of the lead and copper requirements specified in Env-Dw 714;
- (e) No violations of the public notification requirements specified in Env-Dw 800; and
- (f) As applicable, no violations of the:
 - (1) Certified operator requirements specified in Env-Dw 502;
 - (2) Public water system general operational requirements specified in Env-Dw 503;
 - (3) Public water system maintenance requirements specified in Env-Dw 504; and
 - (4) Permit to operate requirements specified in Env-Dw 501.

Effective November 18, 2017, Env-Dw 709.06 and Env-Dw 709.07 read as follows:

Env-Dw 709.06 Reduction in Total Coliform Monitoring for CWS Serving Fewer Than 1,000 Persons.

- (a) The owner of a CWS serving 25 to 1,000 persons may submit to the department a written request for a reduction in monitoring frequency from monthly to not less than one sample per calendar quarter.
- (b) A request submitted pursuant to (a), above, shall include the following information:
 - (1) The name of the CWS;
 - (2) The PWS identifier for the CWS; and
 - (3) The rationale for the reduction in monitoring, based on the criteria listed in (c), below.
- (c) The department shall approve a request submitted pursuant to this section if it determines that:
 - (1) The CWS has not been required to issue a boil order in accordance with Env-Dw 709.19 within the preceding 12 months;
 - (2) The CWS has a clean compliance history as defined in Env-Dw 701.05;
 - (3) The CWS’s most recent sanitary survey confirms that the system:
 - a. Is supplied solely by one or more protected water sources;
 - b. Is free of sanitary defects and significant deficiencies;
 - c. Meets applicable construction standards; and
 - d. If applicable, has an approved corrective action plan and schedule pursuant to Env-Dw 720 and is in compliance with the plan and schedule;
 - (4) The CWS has not had an on-line inactivation or disinfection process in operation in the previous 12 months; and
 - (5) The CWS is in compliance with RSA 485:11 relative to backflow prevention devices.

(d) The department shall notify the CWS owner in writing of its decision on the request to reduce the frequency of bacteria monitoring. If the request is denied, the notice shall specify the reason(s) for the denial.

Env-Dw 709.07 Return to Standard Monitoring Frequency for CWS Serving 1,000 Persons or Fewer.

(a) A CWS for which a reduction in monitoring for total coliforms has been approved pursuant to Env-Dw 709.06 shall return to standard monthly monitoring by taking the number of samples for total coliforms specified in Env-Dw 709.05(a) the month following the event if:

- (1) The CWS:
 - a. Has an E. coli MCL violation;
 - b. Triggers a level II assessment or 2 level I assessments in a rolling 12-month period;
 - c. Has a treatment technique violation as specified in Env-Dw 709.23;
 - d. Has 2 bacteria monitoring violations in a rolling 12-month period;
 - e. Is required to issue a boil order in accordance with Env-Dw 709.19;
 - f. Is without a certified operator for the system for more than 30 consecutive days;
 - g. Adds a new source; or
 - h. Has a sanitary defect;
- (2) The department determines that a groundwater source for the CWS is under the direct influence of surface water or otherwise no longer qualifies as a protected water source, for example due to activities or circumstances that makes the source vulnerable to pathogenic contamination; or
- (3) The physical configuration of the CWS warrants additional monitoring to accurately determine water quality.

(b) If the department determines that any of the criteria listed in (a), above, has been met, the department shall notify the CWS owner in writing of its determination and that Env-Dw 709.07(a) requires the system to return to the monitoring frequency for total coliforms specified in Env-Dw 709.05(a).

Effective November 18, 2017, Env-Dw 709.09 reads as follows:

Env-Dw 709.09 Return to Standard Monitoring Frequency for NCS Serving 1,000 Persons or Fewer.

(a) The owner of an NCS monitoring bacteria at the frequency established by Env-Dw 709.01(b) or at a reduced frequency under Env-Dw 709.12 shall return to the standard bacteria monitoring frequency if:

- (1) The NCS:
 - a. Has a bacteria monitoring violation;
 - b. Has been required to issue a boil order in accordance with Env-Dw 709.19;
 - c. Has installed a continuously-operating bacterial disinfection/ inactivation treatment process within 6 months of incurring a bacterial MCL violation;
 - d. Adds a new source; or
 - e. Has a sanitary defect;
- (2) The physical configuration of the NCS warrants additional monitoring to accurately determine water quality; or
- (3) The department learns of an activity or circumstance that makes the source vulnerable to pathogenic contamination.

(b) If the department determines that any of the criteria listed in (a), above, has been met, the department shall notify the NCS owner in writing of its determination and that Env-Dw 709.09(a) requires the system to return to monitoring for total coliforms at the standard quarterly frequency.

Effective November 18, 2017, Env-Dw 720.04 reads as follows:

Env-Dw 720.04 Notice of Significant Deficiencies; Corrective Action.

(a) The department shall inform the system's owner and certified operator, if the system has a certified operator, of all significant deficiencies in writing.

(b) The notice issued pursuant to (a), above, shall require the owner to:

(1) Implement any corrective action(s) specified in the notice for which consultation or prior approval from the department is not required within 120 days or such earlier time as is specified pursuant to (d), below; and

(2) Consult with the department within 30 days of receiving written notice for the purpose of developing a corrective action plan (CAP) as specified in Env-Dw 720.05 for any corrective action(s) not covered by (1), above.

(c) The corrective action(s) specified in the notice shall consist of one or more of the following, as necessary to correct the problem and protect public health:

(1) Correct significant deficiencies;

(2) Provide an alternate source of water; or

(3) Eliminate the source of contamination.

(d) The department shall specify a compliance deadline of less than 120 days if:

(1) The actions to be taken can reasonably be implemented in a shorter period of time; and

(2) An earlier date is needed to protect public health.

(e) The system owner shall comply with any expedited actions or additional actions required by Env-Dw 801.04 relative to turbidity MCL and treatment technique violations or Env-Dw 801.05(a)-(c) relative to E. coli MCL violations.

(f) A system owner who has been directed to take corrective action pursuant to this section shall notify the department within 30 days of completing the corrective action that the corrective actions have been taken, by submitting documentation of completion, including photographs as appropriate.

Effective November 18, 2017, Env-Dw 720.15 reads as follows:

Env-Dw 720.15 Public Notification.

(a) The owner of a PWS at which a treatment technique violation as described in Env-Dw 720.14(a) or a reporting violation as described in Env-Dw 720.14(b) occurs shall provide standard public notice as specified in Env-Dw 801.08 for community water systems (CWS) or Env-Dw 801.11 for non-community water systems (NCS), as applicable.

(b) The owner of a CWS at which a significant deficiency as specified in Env-Dw 720.03 has not been corrected within 12 months of being notified of the deficiency, shall:

(1) Notify persons served by the system of the deficiency through the consumer confidence report (CCR) as specified in Env-Dw 811; and

(2) Continue to report in the CCR annually until the deficiency has been corrected and confirmation of the correction has been received from the department.

(c) The owner of an NCS at which a significant deficiency as specified in Env-Dw 720.03 has not been corrected within 12 months of being notified of the deficiency shall include the information specified in (d), below, in each notice provided on or after the 12-month period.

(d) The notice required by (b) or (c), above, shall include the following information:

(1) The nature of the significant deficiency and the date it was identified by the department; and

(2) A description of the approved plan and schedule for correction of the significant deficiency, including interim measures, progress to date, and any interim measures completed.

(e) The owner of a CWS at which a level I assessment or level II assessment was triggered shall notify persons served by the system of each assessment conducted pursuant to Env-Dw 720.07 and each corrective action taken or planned pursuant to approvals obtained under Env-Dw 720.11(e) or Env-Dw 720.12(c) in the CCR as specified in Env-Dw 811.

(f) In a community where the population of non-English speaking residents exceeds 20% of the community population, the notice provided pursuant to this section shall contain:

(1) Information in the appropriate language(s) regarding the importance of the notice; or

(2) A telephone number or address, in the appropriate language, at which customers can contact the system to obtain a translated copy of the notice or assistance in the appropriate language.

Effective November 18, 2017, Env-Dw 811.21 reads as follows (only paragraphs (c) & (d) amended):

Env-Dw 811.21 Detections of Arsenic, Nitrate, Lead, and Total Trihalomethanes.

(a) The owner of a CWS at which arsenic is detected above 0.005 mg/L shall include in the CCR the following:

(1) The source information language for arsenic as specified in Env-Dw 811.20 and

(2) Subject to (d), below, the following informational statement:

"While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems."

(b) The owner of a CWS at which nitrate is detected at levels above 5 mg/L, but below the MCL, shall include in the CCR:

(1) The source information language for nitrate as specified in Env-Dw 811.20; and

(2) Subject to (d), below, the following statement:

"Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant you should ask advice from your health care provider."

(c) The owner of a CWS shall include in the CCR, subject to (d), below, the following statement:

"If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components

associated with service lines and home plumbing. [Water system] is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline at 800-426-4791 or at <http://www.epa.gov/safewater/lead>.”

(d) A CWS owner may use a system-specific informational statement in lieu of the statement required by (a)(2), (b)(2), or (c), above, provided the statement includes all of the information included in the specified statement and only after consultation with the department.

(e) The owner of a CWS at which TTHM is detected above 0.080 mg/L but below the MCL specified in Env-Dw 705.03, as an annual average monitored and calculated under the provisions of 40 CFR 141.30, shall include in the CCR the health effects language for TTHM as specified in Env-Dw 809.06.

APPENDIX A – STATUTES IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented	Federal Regulation(s) Implemented
Env-Dw 701.05	RSA 485:1, II(a), (e), & (h); 485:3, I, III, & V - VII; RSA 485:41, I, II & IV	40 CFR 141.2
Env-Dw 709.06, 709.07, & 709.09	RSA 485:1, II(e); RSA 485:3, I	40 CFR 141.2; 40 CFR 141.855(d); 40 CFR 142.16 (q)(2)(ii)
Env-Dw 720.04	RSA 485:1, II(e); RSA 485:4	NA
Env-Dw 720.15	RSA 485:43	40 CFR 141 Subpart Q
Env-Dw 811.21(c) & (d)	RSA 485:2, V; RSA 485:3, III(b); RSA 485:43, II	40 CFR 141.154(d)