

CHAPTER Env-Dw 1200 PRIVATELY OWNED REDISTRIBUTION SYSTEMS

Statutory Authority: RSA 485:41, IX

Readopt with amendment Env-Dw 1201, eff. 2-24-10 (doc. #9660), to read as follows:

PART Env-Dw 1201 PURPOSE AND APPLICABILITY

Env-Dw 1201.01 Purpose. The purpose of the rules in Env-Dw 1200 is to protect public health by establishing requirements applicable to privately owned redistribution systems (PORS) as defined in RSA 485:1-a, XIV-a.

Env-Dw 1201.02 Applicability. These rules shall apply to:

- (a) Each existing PORS as defined in Env-Dw 1202.02; and
- (b) Each new PORS as defined in Env-Dw 1202.04.

Readopt with amendment Env-Dw 1202, eff. 2-24-10 (doc. #9660), to read as follows:

PART Env-Dw 1202 DEFINITIONS

Env-Dw 1202.01 “Department” means the department of environmental services.

Env-Dw 1202.02 “Existing PORS” means a PORS that was in existence as of the 2018 effective date of this chapter.

Env-Dw 1202.03 “Maximum contaminant level (MCL)” means “maximum contaminant level” as defined in RSA 485:1-a, VII, reprinted in Appendix B.

Env-Dw 1202.04 “New PORS” means a PORS created on or after the 2018 effective date of this chapter.

Env-Dw 1202.05 “Person” means “person” as defined in RSA 485:1-a, XIII, reprinted in Appendix B.

Env-Dw 1202.06 “Population served” means the determination of population for the classification of a PORS by using an equivalent of 100 gallons per capita per day.

Env-Dw 1202.07 “Primary water operator” means an individual who is certified under Env-Dw 502 at a grade 1-A level or higher, who has been designated by the PORS O/O as being responsible for the operation of the PORS in accordance with Env-Dw 502.24.

Env-Dw 1202.~~09~~**08** “Privately owned redistribution system (PORS)” means “privately owned redistribution system” as defined in RSA 485:1-a, XIV-a, reprinted in Appendix B.

Env-Dw 1202.~~40~~**09** “Sanitary survey” means an on-site inspection of the water source, facilities, equipment, operation, and maintenance of a PORS for the purpose of evaluating the adequacy of such source, facilities, equipment, operation, and maintenance for producing and distributing safe drinking water to its consumers.

Env-Dw 1202.~~44~~**10** “Significant operational or facility deficiency” means a deficiency at a PORS that could directly and adversely affect water quality or the ability of the PORS to reliably deliver safe drinking water to its consumers.

Env-Dw 1202.~~42~~**11** “Supplying water system” means the public water system from which the PORS obtains its water.

Readopt with amendment Env-Dw 1203, eff. 2-24-10 (doc. #9660), to read as follows:

PART Env-Dw 1203 REQUIREMENTS FOR PORS SERVING FEWER THAN 1,000 PERSONS
WITHOUT FIRE PROTECTION

Env-Dw 1203.01 Applicability. The rules in this part shall apply to each PORS that serves fewer than 1,000 persons and does not provide fire protection by means of street hydrants.

Env-Dw 1203.02 Approval Required Prior to Construction. As required by RSA 485:8, I, any person proposing to supply water for domestic uses through a PORS shall submit detailed plans of the proposed construction to the department and secure approval of such plans prior to:

- (a) Constructing a new PORS that will have more than 500 feet of distribution piping or any new exterior pumping or water storage facility; or
- (b) Expanding an existing PORS if the expansion will include more than 500 feet of distribution piping or any new exterior pumping or water storage facility.

Env-Dw 1203.03 Application for Approval of New or Expanded PORS.

(a) The person proposing to construct a new PORS or to expand or modify an existing PORS shall provide to the department:

- (1) One copy of plans and specifications as specified in Env-Dw 1203.04 and Env-Dw 1203.05, respectively, for the PORS, including each pump, pump house, storage tank, and other appurtenance, as applicable, and all wiring, control devices, and piping;
- (2) The identifying, quantifying, and contact information specified in Env-Dw 405.06(b)(1)-(5),(8), and (9); and
- (3) A letter from the O/O of the supplying water system confirming that adequate quantities of water are available to serve the proposed new or expanded PORS and adequate system pressures will be maintained with the proposed new or expanded PORS on-line.

(b) If a portion of the PORS is to be constructed at a later date, or phased with the actual growth of the development, the applicant shall so state at the time of the original submittal.

(c) The PORS O/O shall sign and date the submittal required by (a), above, to certify that the information provided is accurate.

(d) If the new or expanded PORS will have a design flow greater than 20,000 gallons per day (gpd) or 50 or more service connections, the plans and specifications shall be stamped by a professional civil or sanitary engineer licensed in the State of New Hampshire.

Env-Dw 1203.04 Plans. Design plans shall be as specified in Env-Dw 405.08, provided that any reference to “water system” shall be deemed to mean “privately owned redistribution system”.

Env-Dw 1203.05 Specifications. The specifications accompanying design plans shall be as specified in Env-Dw 405.09.

Env-Dw 1203.06 Design Flow.

(a) Design flows shall be determined as specified in Env-Dw 405.10, provided that any reference to “small community water system” shall be deemed to mean “privately owned redistribution system”.

(b) Design criteria for water distribution piping extensions shall be as specified in Env-Dw 405.31-33, provided that any reference to “small community water system” or “water system” shall be deemed to mean “privately owned redistribution system”.

Env-Dw 1203.07 Storage Tanks.

- (a) Storage facilities shall have sufficient capacity to meet domestic demands.
- (b) Subject to (c) through (e), below, the minimum storage capacity for PORS not providing fire protection shall be equal to the average daily consumption.
- (c) If the O/O of a PORS not providing fire protection wants a minimum storage capacity that is less than the average daily consumption, the O/O shall submit a written request to the department that includes the following information:
 - (1) The name and address, by street location and municipality, of the PORS;
 - (2) The name, mailing address, and daytime telephone number of the PORS O/O and, if the O/O is other than an individual, the name of an individual who can be contacted regarding the request on behalf of the O/O;
 - (3) The average daily consumption, in gallons per day (gpd);
 - (4) The number of residential units or equivalent units based on one unit being equivalent to 300 gpd; and
 - (5) An explanation of why a storage capacity equal to the average daily consumption should not be required.
- (d) The applicant shall sign and date the request to certify that the information provided is accurate.
- (e) The department shall authorize a reduction in the minimum storage capacity if the source and treatment facilities have sufficient capacity with standby power to meet peak demands of the PORS.

Env-Dw 1203.08 Booster Pumps. Booster pumps shall meet the requirements specified in Env-Dw 405.20(b) and (c).

Env-Dw 1203.09 Pump Houses. Pump houses shall meet the requirements specified in Env-Dw 405.21(b) through (d).

Env-Dw 1203.10 Pumps And Auxiliary Equipment. Pumps and auxiliary equipment shall meet the applicable requirements specified in Env-Dw 405.22(b) through (i).

Env-Dw 1203.11 Storage Tanks and Other Appurtenances. Storage tanks and other appurtenances shall meet the applicable requirements specified in Env-Dw 405.24(b) through (f).

Env-Dw 1203.12 Wiring and Control Devices. Wiring and control devices shall meet the applicable requirements specified in Env-Dw 405.25(b) through (l).

Env-Dw 1203.13 Water Distribution Piping. Water distribution piping shall meet the applicable requirements specified in Env-Dw 405.32(b) through (n).

Env-Dw 1203.14 Requirements Prior to Operating.

- (a) No person shall construct a new PORS or expand an existing PORS until all required state and local approvals have been obtained.
- (b) The PORS O/O shall comply with Env-Dw 405.33(g) and (h) relative to flushing and chlorination of the water distribution piping and checking the piping for leaks, except that any reference to “water system” shall be deemed to mean “privately owned redistribution system”.

(c) Upon completion of the construction of a new PORS or expansion of an existing PORS, including all required testing, and before any service is offered, the PORS O/O shall notify the department in writing, which may be transmitted by e-mail, that the PORS is ready to be inspected. The department shall conduct a sanitary survey of the system within 5 working days of receiving such notice.

Readopt with amendment Env-Dw 1204, eff. 2-24-10 (doc. #9660), to read as follows:

PART Env-Dw 1204 REQUIREMENTS FOR PORS SERVING 1,000 PERSONS OR MORE OR SERVING FEWER THAN 1,000 PERSONS WITH FIRE PROTECTION

Env-Dw 1204.01 Applicability. The rules in this part shall apply to each PORS that serves:

(~~1a~~) One thousand persons or more; or

(~~2b~~) Fewer than 1,000 persons with fire protection by means of street hydrants.

Env-Dw 1204.02 Approval Required Prior to Construction. As required by RSA 485:8, I, any person proposing to supply water for domestic uses through a PORS shall submit detailed plans of the proposed construction to the department and secure approval of such plans prior to:

(a) Constructing a new PORS that will have more than 500 feet of distribution piping or any new exterior pumping or water storage facility; or

(b) Expanding an existing PORS if the expansion will include more than 500 feet of distribution piping or any new exterior pumping or water storage facility.

Env-Dw 1204.03 Applicable Standards. Except as otherwise required by these rules, distribution and storage components and all other appurtenances of a PORS serving more than 1,000 people and those providing fire protection by means of street hydrants shall be designed in accordance with the applicable standards specified in Env-Dw 404.01, except that any reference to “public water system” or “water system” shall be deemed to mean “privately owned redistribution system”.

Readopt with amendment Env-Dw 1205, eff. 2-24-10 (doc. #9660), to read as follows:

PART Env-Dw 1205 EQUIPMENT STANDARDS FOR ALL PORS

Env-Dw 1205.01 Coatings, Surfaces, and Additives. Coatings, surfaces, and additives shall meet the requirements of Env-Dw 403.01.

Env-Dw 1205.02 Prohibition on Use of Lead Pipes, Solder, and Flux. All pipe, solder, or flux used in or on drinking water plumbing shall be lead-free as specified in Env-Dw 403.02.

Env-Dw 1205.03 Standards of the American Water Works Association. Devices, products, and methods used in the installation, construction, and operation of treatment-, distribution, and storage facilities and all other appurtenances to a PORS shall meet the standards of Env-Dw 407.01, except that any reference to “public water system” shall be deemed to mean “privately owned redistribution system”.

Readopt with amendment Env-Dw 1206, eff. 2-24-10 (doc. #9660), to read as follows:

PART Env-Dw 1206 OPERATION AND MAINTENANCE REQUIREMENTS

Env-Dw 1206.01 Responsibility for PORS Operations.

(a) The PORS O/O shall designate an individual to be responsible for the PORS in the event that an emergency occurs during the O/O’s absence.

(b) The PORS O/O shall retain a primary water operator as specified in RSA 485:41, IX(b).

(c) Each PORS O/O shall comply with Env-Dw 502.24(a)(2)-(6) and (c).

(d) The primary water operator shall have the responsibilities specified in Env-Dw 502.25.

Env-Dw 1206.02 Notice of Planned Outages. A PORS O/O shall comply with Env-Dw 503.12 relative to planned outages, provided that any reference to “system” shall be deemed to mean “privately owned redistribution system”.

Env-Dw 1206.03 Responsibility to Promptly Repair and Maintain a PORS. Each PORS O/O shall promptly repair and fully maintain the operational readiness of the PORS in accordance with Env-Dw 503.13, provided that any reference to “public water system” shall be deemed to mean “privately owned redistribution system”.

Env-Dw 1206.04 Required Action After Mechanical Breakdown or Other Failure of a PORS.

(a) If the PORS experiences a mechanical failure, water main break, or power failure or experiences an unexplained change in the water quality in the PORS, the PORS O/O shall initiate, ~~one or more of the following actions,~~ as appropriate to the situation:

- (1) Disinfection;
- (2) Bacterial testing;
- (3) Flushing; ~~and~~
- (4) Public notice to consumers; *or*
- (5) *A combination of one or more actions identified in (1)-(4), above.*

(b) The action(s) taken shall be determined by the PORS O/O after a careful analysis of the event.

Env-Dw 1206.05 Inspection of PORS. The PORS O/O shall inspect the system in accordance with Env-Dw 503.15-503.17, provided that any reference to “water system” or “system” shall be deemed to mean “privately owned redistribution system”.

Env-Dw 1206.06 PORS Maintenance Schedules.

(a) The PORS O/O shall prepare and implement a maintenance schedule for each of the following components of the system, as applicable:

- (1) Pump stations;
- (2) Electrical equipment and controls;
- (3) Water storage tanks; and
- (4) Distribution system piping.

(b) The schedule shall require maintenance at intervals adequate to ensure that the PORS operates as designed, based on:

- (1) The maintenance frequencies recommended by the manufacturer, for those components for which such recommendations exist; and
- (2) For all other components, the frequencies commonly used in the water works industry, such as those recommended by the American Water Works Association.

Env-Dw 1206.07 Flushing of Piping. The PORS O/O shall cause all piping in the PORS to be flushed as specified in Env-Dw 504.05, provided that any reference to the term “water system” or “system” shall be deemed to mean “privately owned redistribution system”.

Env-Dw 1206.08 Operation of Gate Valves. The PORS O/O shall cause all gate valves in the PORS to be fully turned at least once every 12 months, timed to coincide with periods of minimum consumer usage.

Env-Dw 1206.09 Storage Tank Inspection and Maintenance.

(a) At least once every 5 years, the PORS O/O shall cause the inside of each water storage tank that is part of the PORS to be inspected and evaluated for structural strength, corrosion, and other factors related to water quality.

(b) Metal surfaces shall be painted or otherwise protected as determined by the PORS O/O, using materials approved in accordance with Env-Dw 403.01.

Env-Dw 1206.10 Notice of Change of Personnel. Whenever a change in personnel as specified in Env-Dw 503.04(a) occurs, the PORS O/O shall notify the department as specified in Env-Dw 503.04(b) and (c), provided that any reference to “public water system” shall be deemed to mean “privately owned redistribution system”.

Env-Dw 1206.11 Notice of Change of PORS O/O. Whenever ownership of a PORS is transferred to a new O/O, notifications shall be made as specified in Env-Dw 503.05, provided that any reference to “public water system” shall be deemed to mean “privately owned redistribution system”.

Readopt with amendment Env-Dw 1207, eff. 2-24-10 (doc. # 9660), to read as follows:

PART Env-Dw 1207 BACTERIA MONITORING

Env-Dw 1207.01 Analysis of Samples.

(a) All samples taken for analysis pursuant to this part shall be analyzed using the applicable laboratory method specified in 40 CFR 141, 142, or 143, as applicable.

(b) A PORS wishing to use an alternate analytical technique shall proceed in accordance with Env-Dw 707.06, provided that any reference to “PWS” shall be deemed to mean “PORS”.

Env-Dw 1207.02 Laboratory Results.

(a) Laboratory results shall be used as specified in Env-Dw 707.04.

(b) Samples shall be considered for compliance purposes only if they have been analyzed by a laboratory accredited under Env-C 300.

Env-Dw 1207.03 Maximum Contaminant Level (MCL) and Assessment Triggers for Bacteria.

(a) The microbiological bacterial MCL specified in Env-Dw 702 shall apply to all PORS.

(b) The coliform assessment triggers specified in Env-Dw 709.22 shall apply to all PORS.

(c) A PORS shall determine compliance with the microbiological MCL for each month or time period in which it is required by Env-Dw 1207.07 to monitor for total coliforms.

Env-Dw 1207.04 Location for Collection of Bacterial Samples. Sampling points shall be as specified in Env-Dw 709.02, provided that any reference to “PWS” shall be deemed to mean “PORS”.

Env-Dw 1207.05 Sample Volume and Collection Protocol. Sample volume and collection protocol shall be as specified in Env-Dw 709.21, provided that any reference to “PWS” shall be deemed to mean “PORS”.

Env-Dw 1207.06 Additional Bacterial Samples. Requirements for additional samples shall be as specified in Env-Dw 707.05.

Env-Dw 1207.07 Frequency of Routine Monitoring for Total Coliforms.

(a) The minimum monitoring frequency for total coliforms for PORS shall be based on the residential population served by the PORS, as specified in Env-Dw 709.05, provided that any reference to “CWS” or “community water system” shall be deemed to mean “PORS” or “privately owned redistribution system”, respectively.

(b) The O/O of a PORS that serves a non-residential population of 25 to 1,000 persons shall monitor in accordance with Env-Dw 709.08 or Env-Dw 709.11, as applicable, provided that any reference to “non-community water system”, “NCS”, “seasonal system”, or “system” shall be deemed to mean “PORS”.

Env-Dw 1207.08 Reduction in Total Coliform Monitoring.

(a) The O/O of a residential PORS serving 25 to 1,000 persons may submit a written request to the department for a reduction in monitoring frequency in accordance with Env-Dw 709.06, provided that any reference to “CWS” shall be deemed to mean “PORS”.

(b) The O/O of a non-residential PORS may submit a written request to the department for a reduction in monitoring frequency in accordance with Env-Dw 709.12, provided that:

- (1) Any reference to “seasonal system” shall be deemed to mean “PORS”; and
- (2) The qualifier in Env-Dw 709.12(a) shall not apply.

Env-Dw 1207.09 Repeat Monitoring. If a routine sample is positive for total coliform, the PORS O/O shall collect a set of repeat samples as specified in Env-Dw 709.15, provided that any reference to “PWS” shall be deemed to mean “PORS”.

Env-Dw 1207.10 Invalidation of Total Coliform Samples. Invalidation of total coliform samples shall be as specified in Env-Dw 709.18, provided that any reference to “PWS” shall be deemed to mean “PORS”.

Readopt with amendment Env-Dw 1208, eff. 2-24-10 (doc. # 9660), to read as follows:

PART Env-Dw 1208 REPORTING MONITORING DATA

Env-Dw 1208.01 Reporting Requirements.

(a) The PORS O/O shall report to the department the results of any test measurement or analysis required by Env-Dw 1207 as specified in Env-Dw 719.01, provided that any reference to “public water system”, “PWS”, “water system”, or “system” shall be deemed to mean “PORS”.

(b) Reporting requirements for public notification shall be as specified in Env-Dw 801, provided that any reference to “public water system”, “PWS”, or “system” shall be deemed to mean “PORS”.

Env-Dw 1208.02 Reporting Data from Commercial or Other Laboratories. A PORS O/O who has samples analyzed to meet monitoring requirements by an accredited laboratory shall comply with Env-Dw 719.02, provided that any reference to “PWS” shall be deemed to mean “PORS”.

Readopt with amendment Env-Dw 1209, eff. 2-24-10 (doc. # 9660), to read as follows:

PART Env-Dw 1209 RESPONSE TO BACTERIA VIOLATIONS

Env-Dw 1209.01 Bacteria Violations. Bacteria violations shall be determined as specified in Env-Dw 709.23.

Env-Dw 1209.02 Reporting and Notification of Violations. The O/O of a PORS at which a bacteria violation has occurred shall comply with Env-Dw 709.24 relative to reporting and notifications, provided that any reference to “PWS” shall be deemed to mean “PORS”.

Env-Dw 1209.03 Follow-up Testing for E. coli; Boil Orders. If any sample is positive for E. coli, the PORS O/O shall comply with Env-Dw 709.19, provided that any reference to “PWS” shall be deemed to mean “PORS”.

Env-Dw 1209.04 Notice to Consumers and Water Supplier. The O/O of a PORS at which a bacteria violation has occurred shall provide public notice as specified in the applicable sections of Env-Dw 801, provided that any reference to “public water system”, “PWS”, “consecutive system”, or “system” shall be deemed to mean “PORS”.

Readopt with amendment Env-Dw 1210, eff. 7-30-10 (doc. #9758), to read as follows:

PART Env-Dw 1210 INSPECTIONS AND ASSESSMENTS

Env-Dw 1210.01 Sanitary Survey Field Inspections and Assessments. Each PORS shall be subject to sanitary survey field inspections and assessments as specified in Env-Dw 720.

APPENDIX A: STATE STATUTES IMPLEMENTED

| Rule Section(s) | State Statute(s) Implemented |
|--|--|
| Env-Dw 1200 (see additional statutes for specific parts/ sections below) | RSA 485:1; RSA 485:41, I, III, V, & IX |
| Env-Dw 1202 | RSA 485:1-a |
| Env-Dw 1203.02; Env-Dw 1204.02 | RSA 485:8, I & II |
| Env-Dw 1210.01 | RSA 485:4, III |

APPENDIX B: STATUTORY DEFINITIONS FROM RSA 485:1-a

VII. “Maximum contaminant level (MCL)” means 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.

XIII. “Person” means any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.

XIV-a. “Privately owned redistribution system” means a system for the provision of piped water for human consumption which does not meet the definition of public water system under paragraph XV, and meets all the following criteria: (1) obtains all of its water from, but is not owned or operated by, a public water system; (2) serves a population of at least 25 people, 10 household units, or 15 service connections, whichever is fewest, for at least 60 days per year; and (3) has exterior pumping facilities, not including facilities used to reduce pressure, or exterior storage facilities which are not part of building plumbing.