

CHAPTER Env-Dw 1200 PRIVATELY OWNED REDISTRIBUTION SYSTEMS

Statutory Authority: RSA 485:41, IX

Readopt 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.

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 ~~privately owned redistribution system~~ ***PORS*** that ~~is~~ *was* in existence as of ~~July 1, 2009~~ ***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 ~~privately owned redistribution system~~ ***PORS*** created on or after ~~July 1, 2009~~ ***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 ~~owner of a PORS~~ ***O/O*** as being responsible for the operation of the PORS in accordance with Env-Dw 502.2224.

~~Env-Dw 1202.08 “PORS owner” means the person who owns or controls a privately owned redistribution system.~~ *{no longer needed}*

Env-Dw 1202.09 “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 1202.10 “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 1202.11 “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 1202.12 “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 ~~OR
FEWER-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 ~~or fewer~~ ***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-Ws 372.06(b)(1)-(5), (8), and (9) or successor rules in subtitle~~ Env-Dw ***405.06(b)(1)-(5), (8), and (9)***; and
 - (3) A letter from the ~~owner~~ ***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 ~~owner~~ ***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-Ws 372.08 or successor rules in subtitle~~ Env-Dw ***405.08***, ~~except~~ ***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-Ws 372.09 or successor rules in subtitle~~ Env-Dw ***405.09***.

Env-Dw 1203.06 Design Flow.

(a) Design flows shall be determined as specified in ~~Env-Ws 372.10 or successor rules in subtitle~~ Env-Dw ***405.10***, ~~except~~ ***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-Ws 374 or successor rules in subtitle 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 ~~and, where fire protection is provided, fire flow 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 ~~owner-O/O~~ of a PORS not providing fire protection wants a minimum storage capacity that is less than the average daily consumption, the ~~owner-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 ~~owner-O/O~~ and, if the ~~owner-O/O~~ is other than an individual, the name of an individual who can be contacted regarding the request on behalf of the ~~owner-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-Ws 372.20(b) and (c) or successor rules in subtitle Env-Dw 405.20(b) and (c)~~.

Env-Dw 1203.09 Pump ~~H~~ouses. Pump houses shall meet the requirements specified in ~~Env-Ws 372.21(b) and (c) or successor rules in subtitle 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-Ws 372.22 (b) through (i) or successor rules in subtitle 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-Ws 372.24(b) through (f) or successor rules in subtitle 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-Ws 372.25(b) through (l) or successor rules in subtitle 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-Ws 372.32(b) through (n) or successor rules in subtitle 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 ~~owner-O/O~~ shall comply with ~~Env Ws 372.33(g) and (h) or successor rules in subtitle~~ 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 ~~owner-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 ~~MORE THAN~~ 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:

- (1) ~~more than 1,000~~ **One thousand persons or more; or**
- (2) **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 Ws 374.01 or successor rules in subtitle~~ 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 Ws 305.01 or successor rules in subtitle~~ 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 by ~~Env Ws 305.02 or successor rules in subtitle~~ 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 Ws 307.01 or successor rules in~~

Text added to existing rules in ***bold italics***

Text deleted from existing rules shown ~~struck through~~

Explanatory comments in *{bracketed blue italics}*

~~subtitle~~ 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 ~~owner-O/O~~ shall designate an individual to be responsible for the PORS in the event that an emergency occurs during the ~~owner-O/O~~'s absence.

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

(c) Each PORS ~~owner-O/O~~ shall comply with Env-Dw 502.2124(a)(2)-(6) and (c).

(d) The primary water operator shall have the responsibilities specified in Env-Dw 502.2225.

Env-Dw 1206.02 Notice of Planned Outages. A PORS ~~owner-O/O~~ shall comply with ~~the requirements specified in Env-Ws 360.10 or successor rules in subtitle~~ Env-Dw **503.12** relative to planned outages, **except 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 ~~owner-O/O~~ shall promptly repair and fully maintain the operational readiness of the PORS in accordance with ~~Env-Ws 360.11 or successor rules in subtitle~~ Env-Dw **503.13**, **except 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 ~~owner-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.

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

Env-Dw 1206.05 Inspection of PORS. The PORS ~~owner-O/O~~ shall inspect the system in accordance with ~~Env-Ws 360.13 or successor rules in subtitle~~ Env-Dw **503.15-503.17**, **except 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 ~~owner-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 ~~owner-O/O~~ shall cause all piping in the PORS to be flushed as specified in ~~Env-Ws 361.04 or successor rules in subtitle~~ Env-Dw ***504.05***, ~~except~~ ***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 ~~owner-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 ~~owner-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 ~~owner-O/O~~, using materials approved in accordance with ~~Env-Ws 305 or successor rules in subtitle~~ Env-Dw ***403.01***.

Env-Dw 1206.10 Notice of Change of Personnel. Whenever a change in personnel as specified in ~~Env-Ws 360.01(a) or successor rules in subtitle~~ Env-Dw ***503.04(a)*** occurs, the PORS ~~owner-O/O~~ shall notify the department as specified in ~~Env-Ws 360.02(b) through (d) or successor rules in subtitle~~ Env-Dw ***503.04(b) and (c)***, ~~except~~ ***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 Owner-O/O. Whenever ownership of a PORS is transferred to a new ~~owner-O/O~~, notifications shall be made as specified in ~~Env-Ws 360.03 or successor rules in subtitle~~ Env-Dw ***503.05***, ~~except~~ ***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 141.24(f), ***142, or 143, as applicable***.

(b) A PORS wishing to use an alternate analytical technique shall proceed in accordance with ~~Env-Ws 330.01(b) or successor rules in~~ Env-Dw ***700707.06***, ***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-Ws 321.03 or successor rules in~~ Env-Dw ***700707.04***.

(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 Microbiological Bacteria.

(a) The microbiological bacterial MCL specified in ~~Env Ws 313.01 or successor rule in Env-Dw 700702~~ shall apply to all PORS.

~~(b) Any fecal coliform positive repeat samples or E. coli positive repeat sample or any total coliform positive repeat sample following a fecal coliform positive or E. coli positive routine sample, shall constitute a violation of the MCL for total coliforms. For purposes of the public notification requirements in Env-Dw 1209.04, this violation shall be deemed to pose an acute risk to health.~~

(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 total coliforms as specified in (a) and (b), above, for each month or time period in which it is required by *Env-Dw 1207.07* to monitor for total coliforms as specified in *Env-Dw 1207.07*.

Env-Dw 1207.04 Location for Collection Location of Bacterial Samples. Sampling points shall be as specified in ~~Env Ws 325.01(a) and (c) or successor rules in Env-Dw 700-709.02~~, ***except provided*** that any reference to “~~public water system or “system-PWS”~~” shall be deemed to mean “~~privately owned redistribution system-PORS~~”.

Env-Dw 1207.05 Sample Volume and Collection Protocol. Sample volume and collection protocol shall be as specified in ~~Env Ws 325.12 or successor rules in Env-Dw 700-709.21~~, ***except provided*** that any reference to “~~public water system-PWS” or “system”~~ shall be deemed to mean “~~privately owned redistribution system-PORS~~”.

Env-Dw 1207.06 Additional Bacterial Samples. ***Requirements for a*** Additional samples shall be as ***specified*** in accordance with applicable requirements of ~~Env Ws 321.04(a) and Env Ws 321.16 or successor rules in Env-Dw 700-707.05~~, ***except*** that any reference to “~~system”~~ shall be deemed to mean “~~privately owned redistribution system”~~”.

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

(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 Ws 325.04(a) or successor rules in Env-Dw 700-709.05~~, ***except provided*** that any reference to “~~CWS” or “community water system”~~ shall be deemed to mean “***PORS***” or “privately owned redistribution system”, ***respectively***.

(b) The owner ~~O/O~~ of a PORS that serves a non-residential population of 25 to 1,000 persons shall ~~collect one sample during each calendar quarter that the PORS provides water to consumers~~ ***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”.***

~~(c) Subject to (d), below, the owner of a non-residential PORS serving more than 1,000 persons during any month, shall monitor bacteria at the same frequency as a like-sized residential PORS, as specified in (a), above.~~ *{now covered by (b)}*

~~(d) For any month the system serves 1,000 persons or fewer, the department shall reduce the required monitoring frequency to no less than once per month, in writing, upon receiving a written request from the PORS owner that includes documentation that the number of persons served in that month will be no more than 1,000 persons~~ *{now covered by (b)}*

Env-Dw 1207.08 ~~Requests for Change in Frequency of Routine~~ ***Reduction in Total Coliform Monitoring of Coliform Bacteria.***

(a) The ~~owner~~ ***O/O*** of a residential PORS serving 25 to 1,000 persons may submit ***a written request*** to the department ~~a request in writing that the~~ ***for a reduction in*** monitoring frequency specified in Env-Dw 1207.07 ~~be reduced to no less than one sample per calendar quarter~~ ***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.***

{(b)-(g) no longer needed due to cross-reference to Env-Dw 709.12 in new (b)}

~~(b) The owner of a non-residential PORS may submit a written request to the department that the frequency monitoring frequency specified in Env-Dw 1207.07 be reduced to no less than twice per calendar year if the PORS:~~

~~(1) Uses only groundwater not under the direct influence of surface water, as defined in Env-Ws 302.33 or successor rules in subtitle Env-Dw;~~

~~(2) Serves 1,000 persons or fewer; and~~

~~(3) Provides water to the public at least 3 calendar quarters of the year.~~

~~(c) The written request submitted pursuant to (a) or (b), above, shall include the information specified in Env-Ws 325.05(c) or successor rules in Env-Dw 700, except that any reference to “system” shall be deemed to mean “privately owned redistribution system”.~~

~~(d) The department shall approve the request submitted pursuant to (a) and (b), above, if it determines that:~~

~~(1) The PORS has had no confirmed presence of coliform bacteria within the past 12 months;~~

~~(2) The PORS owner has submitted all required bacteria samples within the past 12 months;~~

~~(3) The most recent sanitary survey of the PORS shows that the PORS is supplied solely by protected groundwater and is free of significant operational or facility deficiencies; and~~

~~(4) Neither the PORS nor the supplying water system used a bacterial disinfection/inactivation treatment process in the previous 12 months.~~

~~(e) The department shall notify the PORS owner in writing of its decision on the request to reduce the frequency of bacteria monitoring. If the department denies the request, the notice shall specify the reason(s) for the denial.~~

~~(f) A PORS owner monitoring bacteria at a reduced frequency under (a) through (e), above, shall return to monitoring bacteria at the standard frequency specified in Env-Dw 1207.07 upon receiving written notice from the department that any of the conditions specified in Env-Ws 325.05(f) or successor rules in Env-Dw 700 has occurred, except that any reference to “non-community water system” or “system” shall be deemed to mean “privately owned redistribution system”.~~

~~(g) If a PORS owner fails to submit a routine bacteria sample during an assigned month, the owner shall submit the sample as soon as the owner discovers the failure, or upon notification by the department of the failure, whichever date comes first.~~

Env-Dw 1207.09 ***Repeat Monitoring.*** ~~(a) If a routine sample is positive for total coliform, fecal coliform, or Escherichia coli (E. coli), the PORS owner *O/O* shall collect a set of repeat samples as specified in Env-Ws 325.07 (a) through (c) and (g) through (l) or successor rules in Env-Dw 700~~ ***709.15, except provided that any reference to “public water system *PWS*” shall be deemed to mean “privately owned redistribution system *PORS*”.***

~~(b) The PORS owner shall collect one repeat sample from each of the following locations:~~

~~(1) The sampling tap where the original sample that tested positive for total coliform, fecal coliform, or E. coli was collected (original sampling site);~~

- ~~(2) A tap within 5 service connections upstream of the original sampling site;~~
- ~~(3) A tap within 5 service connections downstream of the original sampling site; and~~
- ~~(4) The tap closest to the point of connection of the PORS to the supplying water source.~~

Env-Dw 1207.10 Invalidation of Total Coliform Samples. Invalidation of total coliform samples shall be ***as specified*** in accordance with Env Ws 325.09 or successor rules in Env-Dw ~~700709.18~~, except ***provided*** that any reference to “system-***PWS***” shall be deemed to mean “privately-owned redistribution system-***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) ~~Except where a shorter period is specified, such as where there is an acute MCL violation as specified in Env Ws 351 or successor rules in subtitle Env Dw, the PORS owner~~ ***O/O*** shall report to the department the results of any test measurement or analysis required by Env-Dw 1207 ~~within 2 business days of the analysis being completed. When used in Env Ws 351, 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 “privately-owned redistribution system-***PORS***”.

~~(b) Except where a different reporting period is specified, the PORS owner shall report to the department, within 2 business days, the failure to comply with monitoring requirements set forth in Env-Dw 1207.~~ *{now covered by (a)}*

~~(eb) Reporting requirements for public notification shall be as specified in Env-Dw 4209.04-801,~~ ***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 ~~owner~~ ***O/O*** who has samples analyzed to meet monitoring requirements by an accredited laboratory shall comply with ~~Env Ws 322.11 or successor rules in Env-Dw 700-719.02,~~ ***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 BACTERIAL ~~MCL~~ VIOLATIONS

Env-Dw 1209.01 ~~Determination of Bacteria~~ Violations. ~~A total coliform MCL~~ ***Bacteria*** violations shall be determined as specified in ~~Env Ws 325.15 or successor rules in Env-Dw 700709.23.~~

Env-Dw 1209.02 ~~Response to Reporting and Notification of~~ Violations. The response by the ***O/O*** of a PORS owner ~~at which~~ to a bacterial ~~MCL~~ violation ***has occurred*** shall be as specified in ~~Env Ws 325.13 or successor rules in~~ ***comply with*** Env-Dw ~~700709.24 relative to reporting and notifications,~~ except ***provided that*** any reference to “public water system-***PWS***” shall be deemed to mean “privately-owned redistribution system-***PORS***”.

Env-Dw 1209.03 ~~Follow-up Testing for Fecal Coliform/E. coli Testing; Boil Orders Requirements~~.

(a) If any bacteria sample that is representative of water being supplied to consumers is ***positive for E. coli*** total coliform positive, the PORS owner ***O/O*** shall have that total coliform positive culture medium analyzed to determine if fecal coliforms or ***E. coli*** are present ***comply with Env-Dw 709.19, provided that any reference to “PWS” shall be deemed to mean “PORS”.***

(b) If fecal coliforms or ***E. coli*** are present, the PORS owner shall comply with Env Ws 325.11 or successor rules in Env Dw 700, except that any reference to “system” or “water supply” shall be deemed to mean “privately-owned redistribution system”.

Env-Dw 1209.04 Notice to Consumers and Water Supplier. ~~When an MCL or monitoring requirement pursuant to Env-Dw 1207.03 has been violated, each PORS~~ ***The owner O/O of a PORS at which a bacteria violation has occurred*** shall provide public notice as specified in the applicable sections of ~~Env-Ws 351 and Env-Ws 355 or successor rules in subtitle Env-Dw 801, except~~ ***provided that*** any reference to “public water system”, “***PWS***”, “***consecutive system***”, or “***system***” shall be deemed to mean “***privately owned redistribution system 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*** ~~shall be as specified in the applicable requirements of Env-Ws 306 or successor rules 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.