

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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CHAPTER Env-Dw 300 SOURCES OF WATER

PART Env-Dw 301 DEFINITIONS

Statutory Authority: RSA 485:8 and RSA 485:48

REVISION NOTE:

Document #11060, effective 4-1-16, adopted Part Env-Dw 301, titled “Definitions”, which consolidated definitions common to the former Part Env-Dw 301 titled “Small Production Wells for Community Water Systems,” Part Env-Dw 302 titled “Large Production Wells for Community Water Systems,” and Part Env-Dw 303 titled “Groundwater Sources for Bottled Water.”

Document #11062, effective 4-1-16, readopted with amendments and renumbered the former Part Env-Dw 301 as Part Env-Dw 305. See Revisions Notes #1 and #2 at the part heading for Part Env-Dw 305 for prior filings affecting the former Part Env-Dw 301.

Document #11061, effective 4-1-16, readopted with amendments Part Env-Dw 302, and Document #11059, effective 4-1-16, readopted with amendments Part Env-Dw 303. See the Revision Notes #1 and #2 at the part headings for Part Env-Dw 302 and Part Env-Dw 303 for prior filings affecting these rules. Although Part Env-Dw 302 had last been filed under Document #9008, effective 10-19-07, and Part Env-Dw 303 had last been filed under Document #8998, effective 9-29-07, these rules, including the definitions, did not expire on 10-19-15 and 9-29-15, respectively. They were extended pursuant to RSA 541-A:14-a until replaced by the rules in Document #11060, #11061, and Document #11059, as appropriate, effective 4-1-16.

Env-Dw 301.01 “Acceptable water quality” means water that does not violate ambient groundwater quality standards established by RSA 485-C:6 or rules adopted pursuant thereto.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.02 “Applicant” means the person who applies for approval of a small production well, a large production well, or a groundwater source of bottled water. The term includes the person to whom the approval is issued if the context so requires.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.03 “Aquifer parameter values” means values of parameters that describe the physical properties of the aquifer, such as transmissivity and hydraulic boundary conditions.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.04 “Available drawdown” means the distance between the static water level in the well casing and the uppermost productive water bearing zone, the pump intake, or the top of the well screen, whichever distance is the shortest.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.05 “Bedrock well” means a well that is exposed to and draws water from fractures in any type of consolidated material.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.06 “Conceptual hydrogeologic model” means a description of geology, aquifer hydraulics, and recharge patterns that incorporates published information, available field data, and conservative assumptions for the potential impact area.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

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Env-Dw 301.07 “Confined aquifer” means an aquifer in which groundwater is under pressures greater than the atmospheric pressure, which results in groundwater within a borehole rising to a level that is higher than the level at which water is first encountered, and that receives negligible recharge from overlying deposits during pumping.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.08 “Conservative assumption” means an assumption made during the analyses required to site a new well that results in a larger protected area or lower permitted production volume, or both.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.09 “Constant pumping rate” means a pumping rate that does not vary by greater than 5% after the first 24 hours of pumping.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.10 “Contamination” means the degradation of natural groundwater quality as a result of human activities.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.11 “Contamination sources” means known contamination sources plus potential contamination sources.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.12 “Contamination source inventory” means an inventory of all contamination sources completed as specified in the applicable part.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.13 “Contributing area” means “contributing area” as defined in RSA 485-C:2, IV, as reprinted in Appendix B.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.14 “Final report” means the report submitted to the department after the pumping test and water quality sampling program is conducted at the proposed well site.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.15 “Groundwater” means “groundwater” as defined in RSA 485-C:2, VIII, as reprinted in Appendix B.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.16 “Hydrogeology” means the study of the occurrence, movement, and chemical nature of surface water and groundwater in relation to its geologic environment.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

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Env-Dw 301.17 “Known contamination source” means a location from which contaminants are known to emanate or to have emanated in the past that degrade groundwater quality.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.18 “Large groundwater withdrawal” means “large groundwater withdrawal” as defined in RSA 485-C:2, IX-a, as reprinted in Appendix B.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.19 “New production well” means a production well that:

- (a) Has not received approval under:
 - (1) Env-Dw 301 as effective from 10-19-07 until the 2016 effective date of Env-Dw 305;
 - (2) Env-Dw 302, Env-Dw 402, Env-Dw 404, or Env-Dw 405; or
 - (3) Predecessor rules in Env-Ws 370, Env-Ws 372, or Env-Ws 374; or
- (b) Has been inactive and not sampled in accordance with Env-Dw 708.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.20 “Overburden well” means a well that is exposed to and draws water from any type of unconsolidated material, including but not limited to sand and gravel deposits. The term includes, but is not limited to, dug wells, tubular wells, well points, and gravel wells.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.21 “Permitted production volume” means the maximum volume of groundwater approved by the department to be withdrawn or pumped in any 24-hour period from a production well.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.22 “Potential contamination source” means, as specified in RSA 485-C:7, I, human activities or operations that pose a reasonably-foreseeable risk of introducing regulated substances into the environment in such quantities as to degrade the natural groundwater quality. Examples of possible contamination sources are listed in RSA 485-C:7, II.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.23 “Potential impact area” means the area identified through an impact assessment as described in RSA 485-C:21, V-e.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.24 “Potentiometric surface” means the surface that represents the level to which water rises when exposed to atmospheric pressure.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.25 “Preliminary report” means the report submitted to the department prior to conducting the pumping test and water quality sampling program at the proposed well site.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

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Env-Dw 301.26 “Production well” means a well that serves or is intended to serve as the source for a community water system or as a groundwater source of bottled water.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.27 “Professional of record” means the professional engineer or professional geologist licensed under RSA 310-A who is responsible for the documents.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.28 “Pumping test production rate” means the constant pumping rate that is maintained throughout a pumping test or source evaluation, as applicable, on a production well, which is used to establish the permitted production volume.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.29 “Replacement well” means “replacement well” as defined in RSA 485-C:2, XIII-a, as reprinted in Appendix B.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.30 “Sanitary protective area” means an area in the immediate vicinity of a source within which activities are controlled to minimize the risk of groundwater contamination.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.31 “USGS map” means an original or clear color copy of a United States Geological Survey topographic quadrangle map at a lateral scale of 1:24,000 or 1:25,000, or a map that depicts equivalent features at an equivalent lateral scale.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.32 “Well” means “well” as defined in RSA 485-C:, XVII, as reprinted in Appendix B.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.33 “Wellhead protection area” means “wellhead protection area” as defined in RSA 485-C:2, XVIII, as reprinted in Appendix B.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

Env-Dw 301.34 “Wetlands” means “wetlands” as defined in RSA 482-A:2, X, as reprinted in Appendix B. The term includes swamps, marshes, bogs, and similar areas.

Source. (See Revision Note at part heading for Env-Dw 301)
#11060, eff 4-1-16

APPENDIX A: STATUTES IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented
Env-Dw 301	RSA 485:1; RSA 485:8; RSA 485:48

APPENDIX B: STATUTORY DEFINITIONS

RSA 482-A:2

X. “Wetlands” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

RSA 485:1-a

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.

RSA 485-C:2

IV. “Contributing area” means the land above a class of groundwater, which is the vertical projection of the defined class on the land surface.

VIII. “Groundwater” means subsurface water that occurs beneath the water table in soils and geologic formations.

IX-a. “Large groundwater withdrawal” means any withdrawal from groundwater of 57,600 gallons or more of water in any 24-hour period at a single property or place of business except withdrawals associated with short-term use.

XIII. “Regulated contaminant” means any physical, chemical, biological, radiological substance or other matter, other than naturally occurring substances at naturally occurring levels, in water which adversely affects human health or the environment.

XIII-a. “Replacement well” means a new well installed to replace or back-up an existing well that operates and impacts water users and water resources in substantially the same manner as the well that is being replaced.

XVII. “Well” means a hole or shaft sunk into the earth to observe, sample, or withdraw groundwater.

XVIII. “Wellhead protection area” means the surface and subsurface area surrounding a water well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.