

**CHAPTER Env-Dw 700 WATER QUALITY: STANDARDS, MONITORING, TREATMENT,
COMPLIANCE, AND REPORTING**

Statutory Authority: RSA 485:2, V; RSA 485:41, IV

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REVISION NOTE #1:

Document #9701, effective 5-1-10, readopted with amendments and renumbered former rules Env-Ws 322.10 and Env-Ws 322.11 under a new subtitle, respectively, as Env-Dw 719.01 through Env-Dw 719.03.

REVISION NOTE #5:

Document #10617 also:

- Readopted with amendments and renumbered former Env-Ws 304.01, entitled “Recordkeeping Responsibility”, under a new subtitle as Part Env-Dw 718, entitled “Recordkeeping Requirements;”

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PART Env-Dw 718 RECORDKEEPING

Env-Dw 718.01 Required Records. Each O/O shall:

- (a) Comply with the recordkeeping requirements of 40 CFR § 141.33; and
- (b) Maintain such additional records as are specified in subtitle Env-Dw for particular facets of PWS ownership, operation, and maintenance.

Source. (See RN #5 at p. i) #10617, eff 6-1-14; ss by #12669, eff 1-1-19

Env-Dw 718.02 Production of Records.

- (a) The O/O:
 - (1) Shall provide copies of this information to customers and state and local officials upon reasonable request; and
 - (2) May charge customers a reasonable fee for such copies.
- (b) An O/O shall submit to the department within the time stated in the request, copies of any records required to be maintained under subtitle Env-Dw, or copies of any documents in existence at the time of the request that the department is entitled to inspect pursuant to the authority of RSA 485, the New Hampshire Safe Drinking Water Act.
- (c) Any laboratory performing analyses as specified in Env-Dw 719.03 shall make records of sample collection and analysis available to the department upon request.

Source. #12669, eff 1-1-19

PART Env-Dw 719 REPORTING

Env-Dw 719.01 Definitions. For purposes of this part, the following definitions shall apply:

- (a) “Compliance monitoring data portal (CMDP)” means the data portal created and maintained by the US EPA to collect data required under the federal Safe Drinking Water Act;
- (b) “Electronic reporting system for drinking water monitoring data” means the electronic data collection system implemented by the department to collect PWS monitoring data prior to the CMDP becoming available; and
- (c) “Third-party laboratory” means a laboratory that is not owned or otherwise controlled by the O/O.

Source. (See RN #1 at p. i) #9701, eff 5-1-10; ss by #12669, eff 1-1-19

Env-Dw 719.02 Required Reporting and Public Notice.

- (a) An O/O shall submit all monitoring data and other required information as specified in this part.
- (b) An O/O shall provide public notice as specified in Env-Dw 800.

Source. (See RN #1 at p. i) #9701, eff 5-1-10; ss by #12669, eff 1-1-19

Env-Dw 719.03 Third-Party Laboratory Obligations.

(a) Before an O/O submits samples for analysis to meet monitoring requirements to a third-party laboratory, the O/O and third-party laboratory shall enter into a binding written agreement that requires the laboratory to submit all information required by, and as specified in, Env-Dw 719.05.

(b) Each time an O/O submits any sample to a third-party laboratory for the purpose of meeting a monitoring requirement, the O/O shall inform the laboratory that the analyses being requested are to meet department monitoring requirements.

Source. (See RN #1 at p. i) #9701, eff 5-1-10; ss by #12669, eff 1-1-19

Env-Dw 719.04 Registering for Electronic Reporting System.

(a) In order to access the electronic reporting system, the O/O or third-party laboratory shall register as a data provider under the department's OneStop portal at <https://www4.des.state.nh.us/OnestopDataProviders/DESLogin.aspx>, by:

- (1) Providing the information required in (b), below;
- (2) Selecting the "DWGB Certified Lab Upload" or "DWGB Login Samples" as applicable; and
- (3) Accepting the agreement specified in (c), below.

(b) The O/O or third-party laboratory shall provide the following information:

- (1) The type of requestor, specifically consultant, contractor, individual, federal government, laboratory, local government, non-profit business, other business, PWS contact, state government;
- (2) The first and last name of the individual who is applying for access;
- (3) The applicant's email address;
- (4) A user name and password;
- (5) The name, mailing address, daytime telephone including area code and extension, if any, email address, and fax number including area code of the business or other organization with which the requestor is affiliated;
- (6) If the requestor has another telephone number, the telephone number including area code and extension, if any; and
- (7) If the requestor has another email address, the secondary email address.

(c) The agreement between the data provider and the department shall be as follows:

"I understand that I am responsible for the accuracy of the information submitted in this request for a PIN and Password that will allow me to access, via the Internet, certain information held by the Department of Environmental Services.

I further understand that the information I am submitting and/or requesting access to is security-sensitive, and I agree to (1) protect the PIN and Password provided to me by the Department of Environmental Services to prevent any unauthorized use thereof; (2) protect against further dissemination and/or unauthorized use of any and all information obtained using the PIN and Password to the extent reasonable in light of the legitimate use for which the information is needed, as described above.

I affirm that the information I am submitting with this request is true, complete, and not misleading. I understand that the submittal of false, incomplete, or misleading information could

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result in denial or revocation of data provider access and/or could subject me to the criminal penalties established for falsification in official matters, currently in RSA 641.

I understand that by clicking on I AGREE, I am solely responsible for the PIN and Password I am about to receive and for any and all information collected using the PIN and Password, and that NO LIABILITY IS INCURRED BY THE STATE by reason of providing the requested access.

I understand that if I do not agree to be the sole responsible party, I should click CLOSE to discontinue the PIN/Password request process.”

Source. #12669, eff 1-1-19

Env-Dw 719.05 Reporting Method Prior to CMDP Activation.

(a) Until such time as notification is made that the CMDP is available for use, the following information shall be submitted as specified in (b), below, for each sample analyzed to meet monitoring requirements:

- (1) The PWS identifier of the system;
- (2) The name of the PWS and the city or town in which the system is located;
- (3) Sample collection information, including:
 - a. The sample location identifier and name; and
 - b. The date and time the sample was collected;
- (4) Whether the data being submitted is original or a revision;
- (5) The name of contaminant(s) or contaminant code(s) for which the sample was collected and tested;
- (6) Whether the sample is a routine, repeat, make-up, confirmation, or replacement sample;
- (7) The monitoring period for which the sample was collected, by month or quarter, as applicable, and year;
- (8) The first and last name and daytime telephone number including area code of the individual who collected the sample, or the person responsible for any sample(s) collected by individual homeowners;
- (9) The date and time the sample was received by the laboratory;
- (10) The temperature of the sample(s) upon receipt, in degrees Celsius;
- (11) The accreditation identifier of the laboratory that performed the analysis;
- (12) The laboratory sample identifier and batch identifier, if different;
- (13) The results of the analysis, including units and an explanation of whether the result is an actual or calculated value, and any qualifiers associated with the result(s);
- (14) The date and time the sample was:
 - a. Prepared for analysis, if applicable; and
 - b. Analyzed;
- (15) The analytical method used, including reportable and method detection limits, if applicable, with applicable units; and

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(16) If the sample was initially received by a laboratory other than the one performing the analysis, the name, accreditation identifier, and daytime telephone number including area code of the laboratory that initially received the sample.

(b) The required information shall be submitted using the electronic reporting system for drinking water monitoring data.

Source. #12669, eff 1-1-19

Env-Dw 719.06 Reporting Content and Method When CMDP Is Available. When the CMDP becomes available, then:

(a) The department shall notify each O/O of the date the system will be available for use;

(b) The information regarding samples analyzed to meet monitoring requirements shall be the information required by the CMDP; and

(c) The information required by (b), above, shall be submitted to the department using the CMDP.

Source. #12669, eff 1-1-19

Env-Dw 719.07 Timing of Reporting.

(a) Except where a shorter period is specified, such as where there is an exceedance of an acute contaminant MCL as specified in Env-Dw 801, the O/O or third-party laboratory, as applicable, shall report to the department within 2 business days of the analysis being completed the results of any test measurement or analysis required by:

(1) Env-Dw 723 relative to non-central treatment; or

(2) Env-Dw 709 through Env-Dw 715 and Env-Dw 717 relative to water quality monitoring .

(b) The O/O or third-party laboratory, as applicable, shall notify the department by telephone as soon as possible, but within 24 hours, of:

(1) The presence of fecal coliforms or E. coli in any sample; and

(2) The exceedance of any nitrate or nitrite MCL as specified in Env-Dw 704.02, Table 704-1.

Source. #12669, eff 1-1-19

APPENDIX A - STATE STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented	Federal Regulation(s) Implemented
Env-Dw 718	RSA 485:41, IV	40 CFR 141 Subpart D
Env-Dw 719	RSA 485:41, IV	40 CFR 141.31

APPENDIX B - FEDERAL DEFINITIONS

40 CFR §141.2

Compliance cycle means the nine-year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar year cycle begins January 1, 1993 and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; the third begins January 1, 2011 and ends December 31, 2019.

Compliance period means a three-year calendar period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993 to December 31, 1995; the second from January 1, 1996 to December 31, 1998, the third from January 1, 1999 to December 31, 2001.

Conventional filtration treatment means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

Direct filtration means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

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.

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.

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 as specified the International Commission on Radiological Units and Measurements (ICRU).

Flocculation means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

Initial compliance period means the first full three-year compliance period which begins at least 18 months after promulgation, except for contaminants listed at §141.61(a)(19)-(21), (c) (19)-(33), and § 141.62(b)(11)-(15), initial compliance period means the first full three-year compliance period after promulgation for systems with 150 or more service connections (January 1993-December 1995), and first full three-year compliance period after the effective date of the regulation (January 1996-December 1998) for systems having fewer than 150 service connections.

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.

Legionella means a genus of bacteria, some species of which have caused a type of pneumonia called legionnaires disease.

Level 1 assessment is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. It is conducted by the system operator or owner. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g. whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any State directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.

Level 2 assessment is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. A Level 2 assessment provides a more detailed examination of the system (including the system's monitoring and operational practices) than does a Level 1 assessment through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. It is conducted by an individual approved by the State, which may include the system operator. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any State

directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system. The system must comply with any expedited actions or additional actions required by the State in the case of an E. coli MCL violation.

Man-made beta particle and photon emitters mean all radionuclides emitting beta particles and/or photons 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.

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.

Point-of-entry treatment device (POE) 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.

Point-of-use treatment device (POU) means a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

Repeat compliance period means any subsequent compliance period after the initial compliance period.

Residual disinfectant concentration ("C" in CT calculations) means the concentration of disinfectant measured in mg/l in a representative sample of water.

Sedimentation means a process for removal of solids before filtration by gravity or separation.

Too numerous to count means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

Virus means a virus of fecal origin which is infectious to humans by waterborne transmission.

40 CFR §141.91 Recordkeeping requirements:

"Any system subject to the requirements of this subpart shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, State determinations, and any other information required by §§141.81 through 141.88. Each water system shall retain the records required by this section for no fewer than 12 years."

APPENDIX C: DEFINITION OF PESTICIDE

Pes 101.21 "Pesticide" means:

(a) Any chemical or biological agent used to control a pest including but not limited to the following materials:

- (1) Acaricides or miticides;
- (2) Insecticides;
- (3) Nematocides;
- (4) Herbicides;
- (5) Desiccants;
- (6) Defoliant;
- (7) Fungicides;
- (8) Molluscides;
- (9) Repellents;
- (10) Algaecides;
- (11) Rodenticides;
- (12) Disinfectants; and
- (13) Fumigants; and

(b) Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects, rodents, fungi, weeds or other forms of plant or animal life or viruses which the board declares to be a pest, except viruses on or in living man or other animals, and any substances or mixture of substances intended for use as a plant regulator, defoliant or desiccant.