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CHAPTER Env-Wq 2100 WATER CONSERVATION; USE REGISTRATION AND REPORTING

PART Env-Wq 2102 WATER USE REGISTRATION AND REPORTING

Statutory Authority: RSA 488:9

Env-Wq 2102.01 Purpose. The purpose of these rules is to implement RSA 488 by establishing requirements relative to documenting the identity and location of water uses and collecting accurate water use data to support management of the state's water resources.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17

Env-Wq 2102.02 Applicability.

(a) The rules in this part shall apply to any person required to register a water use under RSA 488:3, I, namely any person whose cumulative incoming water or cumulative outgoing water exceeds an average of 20,000 gallons of water per day in any 7-day period, or exceeds a total volume of 600,000 gallons in any 30-day period.

(b) Except as provided in (c), below, this chapter shall apply to any of the following water uses that meets or exceeds the criteria specified in (a), above:

- (1) Domestic, commercial, industrial, or institutional supply;
- (2) Treated or untreated municipal or industrial wastewater discharge;
- (3) Industrial make-up and processing;
- (4) Contact and non-contact cooling;
- (5) Agriculture, including livestock and crops;
- (6) Irrigation other than for agriculture and discharge of return flows;
- (7) The production of mechanical or electrical power;
- (8) The containerized transport of water in bulk quantities;
- (9) Withdrawals and discharges associated with site remediation activities; and
- (10) Any other use that equals or exceeds the water volumes identified in (a), above.

(c) Pursuant to RSA 488:11, these rules shall not apply to a discrete withdrawal arising from an emergency event, such as fire suppression.

(d) The following uses shall not be included in determining cumulative water use under (a), above:

- (1) Use of recycled water stored in holding ponds that are not connected to surface waters nor constructed below the water table at facilities that process aggregate materials; and
- (2) Withdrawals and discharges for the purpose of dewatering quarries or other excavations following discrete events of stormwater inflow.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17

Env-Wq 2102.03 Statutory Definitions. When used in these rules, the terms listed in table 2102-1, below, shall have the meaning assigned by the statute identified, as reprinted in Appendix C:

Table 2102-1: Statutory Definitions

Term	Statute
Discharge	RSA 488:2, III
Groundwater	RSA 488:2, IV

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Term	Statute
Person	RSA 488:2, V
Public water supplier	RSA 485:1-a, XVI (“Supplier of water”)
Surface water	RSA 488:2, VI
Transfer	RSA 488:2, VII
Withdrawal	RSA 488:2, VIII

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17

Env-Wq 2102.04 Part-Specific Definitions.

(a) “Agriculture water user” means an entity that uses water for operations at a farm as defined in RSA 21:34-a. public water supplier

(b) “Boiler blowdown” means water that is discharged periodically from a boiler to control the concentrations of suspended and total dissolved solids in the boiler and to remove sludge from the bottom of the boiler.

(c) “Boiler makeup” means water added periodically to a heating or power generating system to replace water lost through evaporation, blowdown, or leakage.

(d) “Contact cooling water” means water used to reduce temperature that comes into direct contact with a raw material, intermediate product, waste product other than heat, or finished product and thus becomes classified as process wastewater.

(e) “Contact person” means an individual who has been designated by the water user to be the main point of contact for the department relative to a registration under RSA 488.

(f) “Destination” means:

- (1) A location to which water is discharged;
- (2) A facility to which water is transferred;
- (3) Any water-containing product created by a water user; or
- (4) Evaporative losses occurring as a result of water use.

(g) “Drainback” means water withdrawn for snowmaking that is not converted to snow but remains within the distribution system until being discharged directly back to the original source at or near the point of withdrawal.

(h) “Electronic reporting system” means a computer database with a user interface that has been designed and intended to be used for submitting reports electronically to the department.

(i) “Facility” means a fixed facility as defined in (j), below, or a mobile facility as defined in (n) below, or any combination thereof, depending on context.

(j) “Fixed facility” means an identifiable geographic location where water is withdrawn, treated, discharged, or otherwise used, whether at a single point or a number of individual points, at a single parcel of real property or place of business. For agricultural users, the term includes farms.

(k) “Incoming water” means water received at a facility through withdrawal and transfers in to the facility.

(l) “Intermittent water use” means a water use by a mobile facility for time-limited but recurring activities, including but not limited to construction or repair of roads, dust suppression, hydroseeding, and filling pools.

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(m) “Limited water use” means a one-time incoming water or outgoing water that exceeds 140,000 gallons in any 7-day period and occurs:

- (1) Not more than 2 times in a rolling 12-month period; and
- (2) Not more than 4 times every 3 calendar years.

(n) “Mobile facility” means a tanker truck or other container that is used to transport water from one location to another.

(o) “Non-contact cooling water” means water used to reduce temperature that does not come into contact with a raw material, intermediate product, waste product other than heat, or finished product.

(p) “Outgoing water” means water leaving a facility through discharge and transfers out of the facility.

(q) “Reclaimed wastewater” means wastewater treatment plant effluent that has been diverted for beneficial use instead of being directly discharged to surface water or groundwater.

(r) “Recycled water” means that volume of water that is re-circulated at a fixed facility as part of one or more water-using processes.

(s) “Snowmaking water user” means a person that uses water to make snow for recreational purposes, including but not limited to downhill or cross-country ski trails or slopes, freestyle terrain, tubing terrain, ski jumps, and trails for snowmobiles or other off-highway recreational vehicles.

(t) “Source” means either a groundwater or surface water supply subject to a withdrawal by a water user, or a facility from which water is transferred to a water user.

(u) “Water user” means the owner of a facility where an average of more than 20,000 gallons of water per day is used in any 7-day period or 600,000 gallons is used in any 30-day period.

(v) “Well” means any conveyance used to capture or withdraw groundwater.

(w) “Wellfield” means a combination of 2 or more wells that supply water from the same aquifer where the horizontal distance between any wellhead and at least one other wellhead does not exceed 100 feet.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17

Env-Wq 2102.05 Summary of Requirements.

(a) Each water user who is subject to this part shall register the use as summarized in table 2102-2, below:

Table 2102-2: Type of Registration Required Based On Type of Use

Type of Use	Registration Form Required	Applicable Rule	When Due
Agricultural	Water Use Registration	Env-Wq 2102.25 & Env-Wq 2102.26	Within 30 days of first commencing the use
Intermittent	Intermittent Water Use Registration	Env-Wq 2102.32	Within 30 days of the first use of each calendar year
Limited	Limited Water Use Registration and Report	Env-Wq 2102.07	Within 30 days of the use
All others	Water Use Registration	Env-Wq 2102.08	Within 30 days of first commencing the use

(b) A facility that has several points of incoming water or outgoing water at a single real property or place of business that share one or more common sources or destinations, or both, shall be considered one water use.

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(c) Each facility shall be registered as one water use even if it has common ownership with another facility that is required to be registered.

(d) The water user shall measure or quantify water use:

(1) Pursuant to Env-Wq 2102.27, if an agriculture water user;

(2) Pursuant to Env-Wq 2102.32, if the facility is a mobile facility that qualifies for an intermittent registration under Env-Wq 2102.32(a)(1); or

(3) Pursuant to Env-Wq 2102.10 through Env-Wq 2102.15, if not covered by (1) or (2), above.

(e) The water user shall keep records and report water use:

(1) Pursuant to Env-Wq 2102.28 through Env-Wq 2102.31, if an agriculture water user;

(2) Pursuant to Env-Wq 2102.32, if the facility is a mobile facility that qualifies for an intermittent registration under Env-Wq 2102.32(a)(1); or

(3) Pursuant to Env-Wq 2102.16 through Env-Wq 2102.19, if not covered by (1) or (2), above.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17

Env-Wq 2102.06 Required Signatures and Certifications.

(a) Any person required to register a water use by submitting a completed registration form shall sign and date the form as specified in (c), below.

(b) If the water user is not the property owner, the property owner also shall sign and date the registration form as specified in (c), below.

(c) The water user and property owner, if other than the water user, shall sign as follows:

(1) If the water user or property owner is an individual, the individual shall sign and date the form; and

(2) If the water user or property owner is an entity, the entity shall authorize an individual to sign and date the form and the authorized individual shall do so.

(d) The signature(s) shall constitute certification by the signer(s) that:

(1) The information contained in or otherwise submitted with the registration is true, complete, and not misleading to the best of the signer's knowledge and belief;

(2) The signer understands that:

a. The submission of false, incomplete, or misleading information is grounds for:

1. Denying the registration;

2. Revoking any registration that was granted based on the information; and

3. If the signer is acting as or on behalf of a listed engineer as defined in Env-C 502.10, debaring the listed engineer from the roster; and

b. He or she is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641; and

(3) The signer agrees to comply with all applicable rules and all conditions of the registration, if issued.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17

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Env-Wq 2102.07 Registration for Limited Water Uses.

(a) Subject to (c) through (e), below, a water user whose water use is a limited water use shall register and report the use within 30 days of the use by submitting a completed Limited Water Uses Registration and Report form to the department.

(b) The water user shall provide the following information:

- (1) The name, mailing address, and telephone number of the water user and of the property owner, if other than the water user;
- (2) The location of the use, by street address and municipality;
- (3) If the water user is an entity, the name, title, mailing address, and daytime telephone number of a contact person and authorized signer and, if available, an e-mail address for the contact person;
- (4) The purpose of the water use, such as filling swimming pools, test pumping water wells, pressure testing pipes or tanks, or materials cleanup in the case of spills;
- (5) The source of the incoming water, by name of the public water supplier or surface water body, as applicable, and the location of the intake for the water use being registered by street and municipality;
- (6) The name, location, and type of each destination of outgoing water, including location of discharge and name of the receiving surface water body or wastewater treatment facility, if applicable; and
- (7) An estimate of the amount of incoming and outgoing water, with a brief description of how the estimates were derived.

(c) If the source of incoming water is a public water supply and the water user or property owner is required to give written notice to the supplier of water of the use and the notice contains or is supplemented with all information required by (b), above, the water user may submit a copy of the notice provided to the supplier of water in lieu of the registration required by (b), above.

(d) If the outgoing water is subject to a groundwater discharge permit issued under Env-Wq 402, or under predecessor rules Env-Ws 1500, and the information required by (b), above, is included in the information provided to the department pursuant to that permit, the water user may submit a copy of the information otherwise provided in lieu of a separate registration.

(e) If the outgoing water is subject to a temporary surface discharge permit issued under RSA 485-A:4 and RSA 485-A:13 and the information required by (b), above, is included in the information provided to the department pursuant to that permit, the water user may submit a copy of the information otherwise provided in lieu of a separate registration.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.04)

Env-Wq 2102.08 Water Use Registration Form. A person whose water use is not agricultural, limited, or intermittent shall provide the following information to the department on or with a Water Use Registration form obtained from the department:

(a) Identification of the water user and the property owner, if other than the water user, as follows:

- (1) For an individual, the individual's full legal name;
- (2) For a political subdivision, the political subdivision's name; and
- (3) For any other entity, the entity's name as registered with the New Hampshire secretary of state;

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- (b) The mailing address and daytime telephone number of the water user;
- (c) The name and location, by street address and municipality, of the facility being registered;
- (d) If the water user is an entity, the name, title, and daytime telephone number of a contact person and authorized signer and, if available, an e-mail address for the contact person;
- (e) Each type or purpose of water use that constitutes more than 5,000 gallons or 10 percent of the total use, whichever is greater, including but not limited to:
  - (1) Public water supply;
  - (2) Wastewater treatment;
  - (3) Commercial;
  - (4) Industrial;
  - (5) Institutional;
  - (6) Agricultural, such as field crop, greenhouse, nursery, livestock, log spraying, or aquaculture if the overall water use does not otherwise qualify as an agriculture water use;
  - (7) Non-agricultural irrigation, such as golf course, athletic field, or landscape;
  - (8) Power production, such as biomass, fossil fuel, geothermal, hydroelectric, or nuclear;
  - (9) Snowmaking;
  - (10) Mining;
  - (11) Dust control;
  - (12) Bottled water or bulk water; and
  - (13) Domestic sanitary use;
- (f) As applicable, the following additional descriptive information for each use specified pursuant to (e), above:
  - (1) If domestic or sanitary use, the number of each type of fixture and water-using appliance and the average number of individuals served per day;
  - (2) If heating or cooling water, whether boiler make-up, blowdown, contact, non-contact, or other, with a brief description;
  - (3) If irrigation other than agricultural, the number of acres irrigated and the type of irrigation system used, and for golf courses, a written explanation of:
    - a. The number of sprinkler heads;
    - b. The make, model, and gallons per minute of each head;
    - c. The number of acres irrigated per head type;
    - d. Where on the course the heads are used, such as greens or driving range; and
    - e. A typical weekly irrigation schedule;
  - (4) The applicable North American Industry Classification System (NAICS) code, if any;
  - (5) If hydroelectric, the following information:
    - a. The average operating head, in feet above the intake;

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- b. The average operating efficiency, in percent;
  - c. The minimum necessary operating flow, in cubic feet per second (cfs);
  - d. The maximum existing capacity, in kilowatts;
  - e. The maximum turbine design flow, in cfs; and
  - f. The minimum flow release necessary to comply with existing state and federal operating permits or licenses, in cfs.
- (6) Whether water is recycled and the percentage that is recycled; and
  - (7) Whether wastewater is reclaimed and the percentage that is reclaimed;
- (g) The estimated cumulative water use from all sources, in gallons, as follows:
- (1) The average daily water use by the facility;
  - (2) The estimated maximum daily water use by the facility; and
  - (3) The estimated annual water use by the facility;
- (h) The type of permit or approval and the corresponding permit or identification number for each state and federal permit or approval held by the facility that pertains to water use, including but not limited to:
- (1) Any federal National Pollutant Discharge Elimination System permits;
  - (2) Any Federal Energy Regulatory Commission permits issued pursuant to 18 CFR;
  - (3) Any public water supply approvals obtained pursuant to Env-Wq 402, Env-Dw 405, Env-Dw 302, Env-Dw 303, or Env-Dw 305 or predecessor rules in Env-Ws 370, Env-Ws 372, Env-Ws 378, Env-Ws 379, or Env-Ws 389;
  - (4) Any groundwater discharge permit or registration issued pursuant to Env-Wq 402 or predecessor rules in Env-Ws 1500;
  - (5) Any large groundwater withdrawal permits issued pursuant to Env-Wq 403 or predecessor rules in Env-Ws 387 or Env-Ws 388;
  - (6) Any industrial pre-treatment permits; and
  - (7) Any §401 water quality certificate or state or federal wetland permit stipulating water withdrawal amounts;
- (i) For each source, the following information:
- (1) Whether the source is groundwater, surface water, a public water supplier, or another source, and:
    - a. If the source is a surface water or public water supplier, the name of the source;
    - b. If the source is groundwater, whether the well is drilled or dug and, if drilled, whether into bedrock or into unconsolidated material; and
    - c. If the source is not surface water, groundwater, or a public water supplier, or is not a drilled or dug well, a description of the source;
  - (2) The location of the access point for the source, by street number and name and municipality;
  - (3) Whether the source is used for all water uses and, if not, the specific uses this source serves;
  - (4) How the amount of water withdrawn or transferred from the source is measured and the unit of measure;



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- (5) Whether there is a permit limit on the amount of water withdrawn or transferred from the source and, if so, what the limit is, with the unit of measure included; and
- (6) A statement of the maximum amount of water the facility can physically withdraw or transfer from the source using the present infrastructure at the facility, with the unit of measure included, and a description of the facility's physical limitations;
- (j) For each destination of water, the following information:
  - (1) The name and location by street and municipality of the destination;
  - (2) How the amount of water discharged or transferred is measured and the unit of measure;
  - (3) The destination of the water, such as:
    - a. Discharged to groundwater, surface water, a wastewater treatment facility, or a leach field;
    - b. Used consumptively to make a product or for snowmaking or irrigation;
    - c. Lost to evaporation, for example from heating or cooling or both;
    - d. Delivered to another location, with the location identified; or
    - e. Some other destination, with an explanation; and
  - (4) Whether the facility has a permit limit on the volume or rate of discharge or transfer and, if so, the average daily and maximum daily discharge limits;
  - (5) The maximum amount of water that can be physically discharged or transferred to each destination using the present infrastructure at the facility, and a description of the physical factor(s) that limits the amount of water for those activities;
- (k) A water use location map as specified in Env-Wq 2102.09; and
- (l) Other information as needed to clarify the timing, distribution, purpose(s), or type(s) of water use.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.06)

Env-Wq 2102.09 Water Use Location Map. The water use location map required by Env-Wq 2102.08(k) shall be a topographic map that:

- (a) Is at a scale of 1:25,000 metric or 1:24,000 English, or at a scale that gives greater detail;
- (b) Depicts all data included on the most current version of the United States Geological Survey topographic quadrangle map of the same geographical area;
- (c) Identifies the location and boundaries of the facility, each point of water withdrawal, and each point of water discharge; and
- (d) Includes the quadrangle name, scale, date of last revision, and north arrow.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.07)

Env-Wq 2102.10 Measurement of Volume of Water Use Required.

- (a) Each water user that is not an agriculture water user, a limited water user, or the owner of a mobile facility that qualifies for an intermittent registration under Env-Wq 2102.32(a)(1) shall use the methods described in Env-Wq 2102.11 through Env-Wq 2102.15 to measure or quantify:
  - (1) The monthly volume of withdrawal and discharge for each registered source and destination, respectively;

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- (2) The 24-hour maximum volume for each month reported, if available; and
- (3) The monthly volume(s) of water transferred to or from another facility.

(b) Measuring devices and structures shall register and be calibrated for the full flow range of the withdrawal, diversion, or discharge being measured.

(c) Each individual withdrawal shall be measured separately from other withdrawals at the facility, except that for individual wells registered as a wellfield, measurement of the combined withdrawal shall be accepted.

(d) Each individual discharge at a facility that exceeds 20,000 gallons per day of water shall be measured separately from other discharges at the facility except that the discharge may be reported based on the withdrawal volume if the daily volume of the discharge equals at least 90 percent of the volume of the corresponding withdrawal.

(e) There shall be no turnouts or diversions between the source of water and the measuring devices, except for faucets or other small outlets that have a de minimis effect on the diversion or withdrawal.

(f) In those cases where wells are authorized for the purpose of supplementing surface waters with water from combined sources, both sources of water shall be measured.

(g) A water user shall implement water use measurement approaches which:

- (1) Directly or indirectly record the total volume of water pumped; and
- (2) Can be used by the department to measure water use when conducting an inspection of a facility.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.09)

Env-Wq 2102.11 Accuracy.

- (a) The method of measurement or quantification of water use shall be accurate to within 10 percent.
- (b) If meters are not used, the water user shall:
  - (1) Document in detail the method employed for estimating water use; and
  - (2) Demonstrate that the results satisfy the accuracy requirement in (a), above.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.10)

Env-Wq 2102.12 Open Channel Flow Measuring Devices.

(a) When establishing stage-discharge relations for open channel measuring devices or structures, the distribution of open channel flow measurements shall be sufficient to establish a full range of values for the entire stage-discharge relation.

- (b) Weirs used to make open channel measurements shall have a rating table, as follows:
  - (1) For a weir of standardized design and construction where a standard rating table is available, the standard rating table shall be used; and
  - (2) If the weir is not of standardized design and construction or a standard rating table is not available, the rating table shall be developed specifically for the weir by a series of flow tests through the expected range of operation.
- (c) A water user who produces hydroelectric power shall:

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- (1) Directly measure the volume of water which flows through the turbines; or
- (2) Determine water usage by measuring power production and applying site specific conversion factors derived using the information provided pursuant to Env-Wq 2102.08(f)(5).

(d) The department shall accept methods described in “Water Measurement Manual, A Water Resources Technical Publication, A Guide to Effective Water Measurement Practices for Better Water Management,” United States Department of the Interior, Bureau of Reclamation, Third Edition, 1997, Revised Reprint 2001, available on-line at no charge at [http://www.usbr.gov/tsc/techreferences/mands/wmm/WMM\\_3rd\\_2001.pdf](http://www.usbr.gov/tsc/techreferences/mands/wmm/WMM_3rd_2001.pdf), provided the accuracy requirements of Env-Wq 2102.11 are met.

(e) If the measuring system has no continuous stage recorder, an observer shall read the staff gauge and record the reading as close in time as practical before and after changes in regulation of flow occur.

(f) The measuring system shall be installed or constructed in accordance with the specifications of the manufacturer or designer.

(g) For open channel measuring devices:

- (1) Measuring devices shall be operated and maintained to ensure that the flow can be measured within the accuracy limits specified in Env-Wq 2102.11; and
- (2) Rating curves shall be recalculated as follows:
  - a. At least once per year; and
  - b. Whenever there is a change in channel conditions that significantly alters flow across the control such that the requirements for accuracy specified in Env-Wq 2102.11 are not met.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.11)

Env-Wq 2102.13 Pipeflow Measuring Devices.

(a) Except for public water systems and agriculture water users, the following measurement methods shall be used to measure water use associated with pipe flow:

- (1) Flow meter(s) with a totalizer; or
- (2) A time totalizer, provided water use occurs at a constant flow rate.

(b) In the case of intermittent artesian wells, the meter shall be installed in a manner that will measure both pumped and flowing discharge.

(c) A public water system serving 1,000 people or fewer shall meter all withdrawals from each source in accordance with the applicable provisions of Env-Dw 405.

(d) Public water systems serving more than 1,000 people shall meter all withdrawals from individual sources in accordance with the applicable provisions of Env-Dw 402.

(e) All measuring devices shall be:

- (1) Installed in accordance with manufacturer specifications;
- (2) Calibrated and maintained in accordance with the specifications of the manufacturer; and
- (3) Operated and maintained to ensure that the flow can be measured within the accuracy requirements specified in Env-Wq 2102.11.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.12)

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### Env-Wq 2102.14 Equivalent Methods.

(a) If the water user chooses to develop an alternate, equivalent method of water measurement, the water user shall submit a written request and documentation to the department to demonstrate that the equivalent method of water measurement:

- (1) Complies with the accuracy requirements specified in Env-Wq 2102.11;
- (2) Includes the measurement of water use in real time; and
- (3) Automatically records cumulative water use for a minimum period of 30 days.

(b) The documentation submitted pursuant to (a), above shall include the following:

- (1) The facility name and address;
- (2) The name and daytime telephone number of the owner of the facility and of the operator of the facility, if other than the owner;
- (3) The name and daytime telephone number of the contact person for the facility and, if available, an e-mail address for the contact person;
- (4) The registered water user identification number; and
- (5) A complete description of all water uses or users at the facility including:
  - a. Each water source and destination;
  - b. A flow chart of all water use through the facility that includes all water-using processes and their receiving and sending connections; and
  - c. A description of how the water is used, including a description and a percent estimate of the total volume of water used for each process or need.

(c) If the department determines that the equivalent method of water measurement meets the accuracy requirements of Env-Wq 2102.11, the department shall approve the use of the method.

(d) Snowmaking water users shall measure water use as required by RSA 488:4-a.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.13)

### Env-Wq 2102.15 Frequency of Measurement.

(a) Measurements of water use shall be made with sufficient frequency to insure the accuracy of total water usage volumes required by Env-Wq 2102.11.

(b) If water use for a facility is determined by multiplying a factor by run time, run time in hours and minutes shall be recorded at the end of each period of use.

(c) Manual measurement of flow over weirs shall be made at least once in each calendar week, except that if the weekly measurement varies by more than 25%, the minimum frequency shall be once daily until such time as the flow variation over a week is less than 25%.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.14)

### Env-Wq 2102.16 Record Keeping.

(a) Each water user that is not an agriculture water user, a limited water user, or the owner of a mobile facility that qualifies for an intermittent registration under Env-Wq 2102.32(a)(1) shall maintain records in accordance with this section.

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- (b) Each water user that is subject to this section shall make an accurate record of water use, including:
  - (1) All direct measurements;
  - (2) All calculations;
  - (3) Records demonstrating compliance with Env-Wq 2102.12(g) relative to open channel measurements, if applicable; and
  - (4) Records demonstrating compliance with Env-Wq 2102.13(e) relative to calibration, operation, and maintenance of measuring devices.

(c) Each water user that is subject to this section shall retain the records specified in (b), above, for a minimum of 3 years from the date of the water use to which the record relates.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.15)

Env-Wq 2102.17 Required Reporting.

(a) Each water user that is not an agriculture water user, a limited water user, or the owner of a mobile facility that qualifies for an intermittent registration under Env-Wq 2102.32(a)(1) shall report in accordance with this section.

(b) Each water user that is subject to this section shall report the information specified in Env-Wq 2102.18 to the department according to the applicable schedule specified in Env-Wq 2102.19.

(c) Each water user that is subject to this section shall report water use information to the department using the electronic reporting system, unless the required information is provided as specified in Env-Wq 2102.21 through Env-Wq 2102.24.

(d) The department shall provide each water user with access to the electronic reporting system and the following water user information as reflected in the department's records:

- (1) The name of the water user;
- (2) The name and mailing address of the facility;
- (3) The location of the facility, including the street name and town;
- (4) The water user identification number;
- (5) The method of measurement; and
- (6) The name, title, and daytime telephone number of the contact person and, if available, an e-mail address.

(e) The water user shall verify or, if necessary, correct the water user information provided pursuant to (d), above, as part of completing the electronic report.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.16)

Env-Wq 2102.18 Information Reported. In addition to verifying the information described in Env-Wq 2102.17(c), the water user shall provide the information identified below to the department:

(a) The monthly water use total, as required by Env-Wq 2102.10(a)(1), for each registered source and destination, including the monthly volume(s) of water transferred to or from another facility;

(b) The monthly 24-hour maximum volume, as specified in Env-Wq 2102.10(a)(2), for each registered source and destination;

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- (c) The units of measurement;
- (d) The method of measurement;
- (e) If water usage is determined based on power production, the amount of power produced per month;
- (f) If the source is used for snowmaking, whether the reported monthly totals include the amount of drainback, and the percent of monthly withdrawal that is returned as drainback;
- (g) If water usage is determined based on a unit water use rate, the water user's process for determining the unit water use rate;
- (h) Information demonstrating compliance Env-Wq 2102.12(g) relative to open channel measurements, if applicable; and
- (i) Any changes in registration information or water use that have occurred since the previous report, including but not limited to:
  - (1) The addition of a new source or relocation or abandonment of an existing source;
  - (2) The addition of a new destination or relocation or abandonment of an existing destination;
  - (3) A facility expansion, modification, or relocation;
  - (4) A change in method of measurement;
  - (5) Problems with measurement equipment; and
  - (6) An explanation of the conditions that resulted in the changes noted under (1) through (5), above.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17 (from Env-Wq 2102.17)

Env-Wq 2102.19 Method and Frequency of Reporting.

- (a) Each water user that is not an agriculture water user, a limited water user, or the owner of a mobile facility that qualifies for an intermittent registration under Env-Wq 2102.32(a)(1) shall report to the department in accordance with this section.
- (b) Except as provided in (c), below, each water user that is subject to this section shall submit the information required by Env-Wq 2102.17(d) and Env-Wq 2102.18 to the department every 3 calendar months within the first 45 calendar days following the reporting period.
- (c) The following water users shall submit the information required by Env-Wq 2102.17(d) and Env-Wq 2102.18 to the department as specified in Table 2102-3, below:

Table 2102-3: Reporting Schedule for Certain Water Users

<b>Type of Water User</b>	<b>Reporting Period</b>	<b>Report Due</b>
Irrigator other than agricultural water user	Per growing season or other period of use	Annually, no later than February 15 of the year following the calendar year in which the use occurred
Snowmaking	Each snowmaking season	Annually, no later than May 15 of the year in which the snowmaking season ends
Hydroelectric facility	Calendar year quarter	Annually, no later than February 15 of the year following the calendar year being reported

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17 (from Env-Wq 2102.18)

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Env-Wq 2102.20 Trade Secrets and Proprietary Information.

(a) Water users who submit water use information pursuant to these rules who believe the information constitutes trade secrets or confidential business information (CBI) may request the information to be maintained as non-public information, and so not subject to release under RSA 91-A, pursuant to Env-C 208.

(b) Water users requesting that water use data be maintained as non-public information pursuant to (a), above, shall provide the following information:

- (1) Evidence that monthly water use data for the facility could reasonably be used by others to reveal trade secrets or CBI; and
- (2) A proposed alternative method to report water use in a manner or frequency that will protect trade secrets or CBI while allowing the underlying data to be made available to the public.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.19)

Env-Wq 2102.21 Public Water Suppliers. Any public water supplier that provides water use data to the department under subtitle Env-Dw shall be deemed to be in compliance with this part if the information being provided includes the information required by Env-Wq 2102.18.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.20)

Env-Wq 2102.22 Dischargers to Surface Waters.

(a) Dischargers to surface waters shall include those persons whose discharge(s) of water to a surface water body are regulated under the federal National Pollutant Discharge Elimination System (NPDES).

(b) Any discharger to surface waters that provides water use data to the department pursuant to an NPDES permit shall be deemed to be in compliance with this part if the information being provided includes the information required by Env-Wq 2102.18.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.21)

Env-Wq 2102.23 Hydroelectric Power Producers. Any producer of hydroelectric power providing power production data to the New Hampshire public utilities commission (PUC) who has provided a means of approximating the volume of water used in that power production shall be deemed to be in compliance with this part if:

- (a) The information being provided to the PUC includes the information required by Env-Wq 2102.18; and
- (b) A copy of the information is provided to the department.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.22)

Env-Wq 2102.24 Discharges to Groundwater. Any discharger to groundwater that provides water use data to the department under Env-Dw 404 or Env-Wq 402 shall be deemed to be in compliance with this part if the information provided includes the information required by Env-Wq 2102.18.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.23)

Env-Wq 2102.25 Agriculture Water Use Registration. An agriculture water user shall register a farm by providing the following information to the department on a Water Use Registration form obtained from the department:

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- (a) The information specified in Env-Wq 2102.08(a)-(d), (e)-(h) as applicable, and (i)-(j);
- (b) The purpose of water use, including but not limited to:
  - (1) Irrigation and frost protection for crops;
  - (2) Greenhouse;
  - (3) Nursery;
  - (4) Livestock;
  - (5) Cleaning and processing products;
  - (6) Cleaning equipment and facilities;
  - (7) Aquaculture; and
  - (8) Forestry and lumbering operations;
- (c) A written explanation of:
  - (1) Irrigation methods used, including irrigation types, such as travelling gun or linear move;
  - (2) Watering needs in inches based on crop type and acres of each crop; and
  - (3) A typical watering schedule;
- (d) If use is for the irrigation or frost protection of field crops, an estimate of the total acres irrigated or protected; and
- (e) Documentation of water use location as specified in Env-Wq 2102.26.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.24)

Env-Wq 2102.26 Documentation of Agriculture Water Use Location.

- (a) To document the agriculture water use location, the agriculture water user shall provide:
  - (1) A water use location map as specified in Env-Wq 2102.09; or
  - (2) A recent aerial photograph of the property from the USDA Farm Service Agency (FSA), National Agricultural Imagery Program (NAIP), or other source that provides comparable or better quality and resolution.
- (b) Any aerial photograph provided pursuant to (a), above, shall identify:
  - (1) The location of each water withdrawal and discharge point; and
  - (2) The boundaries of contiguous areas of 5 or more acres that are subject to irrigation.
- (c) Any aerial photograph provided pursuant to (a), above, shall include the date of flight, the approximate scale of the image, and a north arrow.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.25)

Env-Wq 2102.27 Measurement of Volume of Agriculture Water Use Required.

- (a) Each individual type of withdrawal or discharge for agriculture water use that exceeds 20,000 gallons a day of water shall be measured separately from other withdrawals or discharges at the farm unless a waiver is granted under Env-Wq 2102.33.



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- (b) The agriculture water user shall document in detail the method employed for estimating water use.
- (c) The following measurement methods shall be acceptable:
  - (1) Estimating water use based on manufacturers pump capacities;
  - (2) For livestock operations, average use estimates based on Cooperative Extension formulas or generally accepted and documented industry standards; or
  - (3) An equivalent method approved by the department pursuant to Env-Wq 2102.14.
- (d) Water use measurements or quantification shall be accurate to within 10 percent.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17(from Env-Wq 2102.26)

Env-Wq 2102.28 Record Keeping for Agriculture Water Use. Each agriculture water user shall maintain an accurate record of water use, including all direct measurements and calculations, for 3 years.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17 (from Env-Wq 2102.27)

Env-Wq 2102.29 Requirement for Agriculture Water Use Reporting.

(a) An agriculture water user shall report the information specified in Env-Wq 2102.30 to the department according to the applicable schedule specified in Env-Wq 2102.31.

(b) An agriculture water user shall report water use information to the department using the electronic reporting system unless the applicable data are provided under Env-Wq 2102.21 through Env-Wq 2102.24.

(c) The department shall provide each agriculture water user with access to the electronic reporting system and the following water user information as reflected in the department's records:

- (1) The name of the water user;
- (2) The name and mailing address of the farm;
- (3) The location of the farm, including the road name and town;
- (4) The water user identification number as provided by the department;
- (5) The method of measurement; and
- (6) The name, title, and daytime telephone number of the contact person and, if available, an e-mail address.

(d) The agriculture water user shall verify or, if necessary, correct the water user information provided pursuant to (c), above, as part of completing the electronic report.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17 (from Env-Wq 2102.28)

Env-Wq 2102.30 Information Reported for Agriculture Water Use. In addition to verifying the information described in Env-Wq 2102.29(c), the agriculture water user shall provide the information identified below to the department:

- (a) The monthly volume of withdrawal and discharge for each registered source and destination, respectively;
- (b) The monthly volume(s) of water transferred to or from another facility;
- (c) The units of measurement;

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(d) The method of measurement;

(e) If water usage is determined based on a unit water use rate, the water user's process for determining the unit water use rate; and

(f) Any changes in registration information or water use that have occurred since the previous report, including but not limited to:

- (1) The addition of a new source or relocation or abandonment of an existing source;
- (2) The addition of a new destination or relocation or abandonment of an existing destination;
- (3) A change in method of measurement; and
- (4) An explanation of the conditions that resulted in the changes under (1) through (3), above.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.29)

Env-Wq 2102.31 Method and Frequency of Reporting of Agriculture Water Use. The agriculture water user shall submit the information required by Env-Wq 2102.29(c) and Env-Wq 2102.30 for the period beginning January 1 and ending December 31 of each year to the department no later than February 15 of the year immediately following the year being reported.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17  
(from Env-Wq 2102.30)

Env-Wq 2102.32 Intermittent Water Use Registration and Reporting.

(a) The owner of a mobile facility shall comply with:

- (1) The requirements of this section if the use is intermittent; or
- (2) The requirements of Env-Wq 2102.08 through Env-Wq 2102.24, if the use does not qualify as intermittent.

(b) The owner of the mobile facility shall register water use within 30 calendar days of the first use of each calendar year by providing the following information on an Intermittent Water Use Registration form obtained from the department:

- (1) The name and mailing address of the water user, with the name as specified in Env-Wq 2102.08(a);
- (2) If the water user is an individual, a daytime telephone number including area code;
- (3) If the mobile facility owner is not an individual, the name, title, and daytime telephone number including area code of a contact person and authorized signer for the owner and, if available, an e-mail address;
- (4) The year for which the registration is being filed; and
- (5) The county or counties in which the water user anticipates working.

(c) The owner of the mobile facility shall report intermittent water use by providing the following information on an Intermittent Water Use Report form obtained from the department:

- (1) The information required by (b)(1)-(3), above;
- (2) The start date and end date of the time period covered by the report;
- (3) If different uses occurred in the same reporting period, a Specific Use Report as described in (d), below, for each use; and

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- (4) If all uses in the reporting period are the same, a Cumulative Use Report as described in (e), below.
- (d) The following information shall be provided for each intermittent water use on a Specific Use Report:
- (1) The purpose of the water use;
  - (2) The name of the municipality in which the water use occurred;
  - (3) The location of the water use as described by:
    - a. Latitude and longitude coordinates to within 25 feet of accuracy as determined by a land surveyor or global positioning satellite receiver;
    - b. The physical street address by street number and name and municipality;
    - c. The names of the streets that cross at the closest road intersection, the distance and direction of the use from the intersection, and the distance to and pole number of the nearest utility pole; or
    - d. A topographical map that shows road names and municipal boundaries, with the location of the use clearly marked;
  - (4) The source for the use, described as specified in Env-Wq 2102.08(i)(1) and (2);
  - (5) The volume of water used, as determined by:
    - a. The volume of the tank multiplied by the number of times it was filled and emptied; or
    - b. The methods described in Env-Wq 2102.10 through Env-Wq 2102.14; and
  - (6) The date or dates the water use occurred.
- (e) The following information shall be provided on a Cumulative Use Report:
- (1) The purpose of the use and, for each occurrence:
    - a. The date of the occurrence; and
    - b. The location of the water use as specified in (d)(3)a. or b., above;
  - (2) The source of the water, as specified in Env-Wq 2102.08(i)(1) and (2); and
  - (3) The total volume of water used in the reporting period and the method by which the total volume was determined.
- (f) The water user shall submit the information required by (c) or (d), above, as applicable:
- (1) Within 15 calendar days after the last day of each calendar month in which an intermittent use occurred; and
  - (2) In a manner that allows total water use for each calendar month to be determined.

Source. #9279, eff 9-24-08; ss by #12135, eff 3-21-17(from Env-Wq 2102.31)

Env-Wq 2102.33 Waivers.

- (a) Any person requesting a waiver to a requirement established in this part shall submit the following information in writing to the department:
- (1) A description of the facility and water use to which the waiver request relates;
  - (2) A specific reference to the section of the rule for which a waiver is being sought;

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- (3) A full explanation of why a waiver is being requested, including an explanation of the economic and operational consequences of complying with the rule as written;
- (4) A full explanation, with supporting data, of the alternatives that will be implemented in lieu of the requirement if a waiver is granted, if any;
- (5) Whether the waiver is needed for a limited duration, and if so, an estimate of when the waiver will no longer be needed; and
- (6) A full explanation of how granting a waiver would meet the criteria stated in (b), below.

(b) The department shall grant a waiver if it determines that:

- (1) The intent of RSA 488 will be met;
- (2) The waiver will result in water use information that is at least equivalent to the information that would be generated by complying with the rules as written; and
- (3) Granting the waiver will not result in a statutory requirement being waived.

(c) In granting the waiver, the department shall impose such conditions, including time limitations, as the department deems necessary to ensure that the criteria specified in (b), above, are met.

(d) The department shall issue a written response to the water user within 30 business days of receipt of a complete request. If the waiver is denied, the department’s response shall specify the reason(s) for the denial.

(e) No waiver shall be granted to any requirement specified in statute unless the statute expressly allows such requirement to be waived.

Source. #12135, eff 3-21-17 (from Env-Wq 2102.32)

**APPENDIX A: STATUTES IMPLEMENTED**

<b>Rule Section(s)</b>	<b>State Statute(s) Implemented</b>
Env-Wq 2102.01	RSA 488:1
Env-Wq 2102.02	RSA 488:3; 9; & 11
Env-Wq 2102.03 - 2102.04	RSA 488:2
Env-Wq 2102.05	RSA 488:3; 4; 4-a; & 6
Env-Wq 2102.06 - 2102.09	RSA 488:3; 5; 6; & 9, VII
Env-Wq 2102.10 - 2102.15	RSA 488:4; 4-a; & 9, III, IV, & VII
Env-Wq 2102.16 - 2102.26	RSA 488:3; 6; & 9, VII
Env-Wq 2102.27	RSA 488:4; 4-a; & 9, III
Env-Wq 2102.28	RSA 488:3; 4; & 6
Env-Wq 2102.29 - 2102.32	RSA 488:6
Env-Wq 2102.33	RSA 541-A:22, IV

**APPENDIX B: INCORPORATION BY REFERENCE INFORMATION**

[NONE IN THIS PART]

**APPENDIX C: STATUTORY DEFINITIONS**

**RSA 485:1-a:**

I. “Community water system” means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

XII. “Operator” means the individual who has direct management responsibility for the routine supervision and operation of a public water system or of a water treatment plant or collection, treatment, storage, or distribution facility or structure that is a part of a system.

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.

XV. “Public water system” means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Any water system which meets all of the following conditions is not a public water system:

- (a) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
- (b) Obtains all of its water from, but is not owned or operated by, a public water system; and
- (c) Does not sell water to any person.

XVI. “Supplier of water” means any person who controls, owns or generally manages a public water system.

XIX. “Water conservation” means any beneficial reduction in water losses, waste, or use.

**RSA 485-A:2:**

XIV. “Surface waters of the state” means perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses, and other bodies of water, natural or artificial.

**RSA 485-C:2:**

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.

**RSA 485:61 Rules for Water Conservation.**

I. The department shall adopt rules, pursuant to RSA 541-A, for water conservation practices for water users. These rules shall strike a reasonable balance between environmental, energy, and economic impacts and be consistent with current industry standards and practices for different types of water users.

II. The water conservation rules in paragraph I of this section shall apply to all new permit applicants and applications for water withdrawals subject to the provisions of RSA 485:3, RSA 485:48, RSA 485-C:21 and section 401 of the Clean Water Act.

III. Water conservation rules shall be consistent with applicable state or federal rules and regulations.

**RSA 488:2**

III. "Discharge" means the return of water to the environment.

IV. "Groundwater" means subsurface water that occurs beneath the water table in soils and geologic formations.

V. "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.

VI. "Surface waters" means any lake, pond, river, stream, wetland, or tidal waters.

VII. "Transfer" means any conveyance of water from one real property or place of business to another or incorporation into a product for subsequent distribution.

VIII. "Withdrawal" means the removal or collection of water by pumping or gravity from surface water or groundwater.