
ENVIRONMENTAL Fact Sheet



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New Bottled Water Sources: How They are Regulated in New Hampshire

In order to protect bottled water consumers and the environment, the State of New Hampshire regulates bottled water sources as well as the handling and labeling of bottled water. This fact sheet provides an overview of the state regulatory requirements that apply to obtaining approval for a new bottled water source in New Hampshire. Rather than going into depth, this fact sheet outlines the steps to go through and provides several useful contacts for further information.

Bottled water is subject to two sets of state rules. The New Hampshire Department of Environmental Services regulates sources of water used in the production of bottled water under Env-Dw 303, "Groundwater Sources of Bottled Water," and the New Hampshire Department of Health and Human Services (DHHS) regulates its handling and labeling under He-P 2100, "Beverages and Bottled Water."

In order to bottle water for sale in New Hampshire, the following requirements must be met:

- Apply for and obtain a beverage license from DHHS (\$160 fee).
- Meet DHHS requirements for the construction and design of the bottling plant building and facilities; production and processing in the bottling plant; employee hygiene; information to be included on labels; and weekly and yearly water quality testing and reporting.
- Obtain source approval. For a source in New Hampshire, obtain approval from DES as outlined in this fact sheet. For a source outside New Hampshire, obtain approval from the state or province in which the source is located, and supply documentation of that approval to DHHS.

Overview of the New Hampshire Source Approval Process

Obtaining approval for a bottled water source involves hiring a hydrogeologist, gathering information, conducting an evaluation of the source, developing plans for the protection of the source, and submitting a report to DES. Approval of the source must be obtained from DES before the source is used in the production of bottled water.

Steps Leading up to Preparation of the Report

(For details on the requirements of each step, see Env-Dw 303, “Groundwater Sources of Bottled Water.”)

1. Ensure that the source is properly located with respect to surface waters and areas subject to flooding.
2. Ensure that the applicant owns or controls (e.g., through easements or leases) all land within 150 to 400 feet (depending on the production volume) of the source.
3. Develop a conceptual hydrogeologic model of the source that defines the area from which water flows to the source (the wellhead protection area) and the geology, groundwater flow, and aquifer recharge patterns.
4. Prepare an inventory of potential contamination sources and water resources and uses in the wellhead protection area.
5. Develop a source evaluation program (e.g., a pumping test) to gather information needed to complete the source approval process, to refine the definition of the wellhead protection area, and to establish the chemical quality of the source. If source water is to be withdrawn from a borehole, then follow pumping test requirements as described in Env-Dw 302.11.
6. Conduct the source evaluation program. It is recommended that DES’s feedback on the program is obtained before carrying out the field work.
7. Determine the amount of water to be produced from the source each day.
8. Based on the results of the source evaluation program, classify the source as to type: artesian water, well water, or spring water.
9. Refine the wellhead protection area based on the results of the source evaluation program.
10. Develop a wellhead protection program for the wellhead protection area.

In addition to submitting the report, the applicant must submit and obtain approval of a water conservation plan in accordance with Env-Wq 2101, “Water Conservation,” and demonstrate that construction of the spring or well complies with We 600, “Standards for the Construction, Maintenance and Abandonment of Wells.” If the withdrawal from the source exceeds 20,000 gallons per day, averaged over any 7-day period, or more than 600,000 gallons over any 30-day period, the facility must be registered pursuant to RSA 488:3 and water use must be measured and reported in accordance with Env-Wq 2102, “Water Use Registration and Reporting.” If the withdrawal from the source is 57,600 gallons or more per day, then the applicant must obtain a large groundwater withdrawal permit in accordance with RSA 485-C:21, “Approval for Large Groundwater Withdrawals” and Env-Ws 388, “Major Groundwater Withdrawal.” All rules may be found under “Rules/Regulatory” in Quick Links at www.des.nh.gov.

For Additional Information

Regarding the approval of sources in New Hampshire:

For a withdrawal volume greater than or equal to 57,600 gallons per day, contact:

Christine Bowman, Hydrogeologist
New Hampshire Department of Environmental Services
Drinking Water and Groundwater Bureau
(603) 271-8866
christine.bowman@des.nh.gov

For a withdrawal volume less than 57,600 gallons per day, contact:

Diana Morgan, Hydrogeologist
New Hampshire Department of Environmental Services
Drinking Water and Groundwater Bureau
(603) 271-2947
diana.morgan@des.nh.gov

Regarding approval of sources outside New Hampshire, the production and sale of bottled water in New Hampshire, and other aspects of bottled water regulations:

Leah Keller, Supervisor
New Hampshire Department of Health and Human Services
Food Protection Unit Section
Beverage and Bottled Water Inspection and Licensing Program
(603) 271-4673
lkeller@dhhs.state.nh.us
www.dhhs.state.nh.us/DHHS/BOTTLEDBEVERAGE/default.htm

For industry information:

International Bottled Water Association
1700 Diagonal Road, Suite 650
Alexandria, VA 22314
(703) 683-5213
www.bottledwater.org

Northeast Bottled Water Association Inc.
100 Roscommon Drive, Suite 320
Middletown, CT 06457
(860) 635-6329
www.nebwa.org

Note: This fact sheet is accurate as of January 2009. Statutory or regulatory changes, or the availability of additional information after this date, may render this information inaccurate or incomplete.