
ENVIRONMENTAL Fact Sheet



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New Bottled Water Source Regulations in New Hampshire

The State of New Hampshire regulates bottled water sources as well as the handling and labeling of bottled water in order to protect bottled water consumers, water resources and the environment. This fact sheet provides an overview of the state of New Hampshire regulatory requirements that apply to obtaining approval for a new bottled water source.

Bottled water is subject to two sets of state rules. The New Hampshire Department of Environmental Services (NHDES) 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, at any scale, the following requirements must be met:

- Obtain source approval. For a source in New Hampshire, obtain approval from NHDES 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.
- Apply for and obtain a beverage and bottled water license from DHHS. Note, a license is not required if retailing direct to consumer.
- 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.

Overview of the New Hampshire Bottled Water Source Approval Process

Obtaining approval for a new bottled water source is a lengthy and involved process that includes performing a detailed site analysis and withdrawal test to ensure that the source is sustainable at the proposed withdrawal rate, does not adversely affect surrounding water users, and meets established water quality standards. The full set of requirements for obtaining source approval can be found in administrative rules Env-Dw 303 and the general process is summarized below:

1. Ensure that the potential bottled water source is properly located and, as applicable, meets the construction standards of the New Hampshire Water Well Board rules We 600, "Standards for the Construction, Maintenance and Abandonment of Wells."
2. Determine the amount of water to be produced from the source each day.
3. 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.
4. 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.
5. Prepare an inventory of potential contamination sources, water resources and water users in the wellhead protection area.
6. Develop a source evaluation program, or pumping test, to gather information needed to complete the source approval process, to refine the definition of the wellhead protection area, and to determine the water quality of the source. This may include monitoring of nearby private wells and other water resources like wetlands and ponds.
7. Submit the above information to NHDES for review prior to conducting the source evaluation program.
8. After receiving approval from NHDES, conduct the source evaluation program.
9. Based on the results of the source evaluation program, a qualified professional must classify the source as artesian water, well water, or spring water based on the rules in Env-Dw 303.
10. Refine the wellhead protection area based on the results of the source evaluation program and develop a wellhead protection program.
11. Obtain approval of a water conservation plan for the facility in accordance with Env-Wq 2101.
12. Submit the results of the source evaluation program and the additional evaluations described in steps 9 and 10 in a final report to NHDES for review. If all of the requirements have been met, NHDES can issue the source approval at this time.

In addition to the above requirements, the applicant may be required to obtain the following based on the volume of the withdrawal:

- 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-Wq 403, "Large Groundwater Withdrawals."

Contact Information:

Approval of bottled water sources in New Hampshire:

Andrew Koff
Drinking Water and Groundwater Bureau
New Hampshire Department of Environmental Services
(603) 244-8866
Andrew.Koff@des.nh.gov

The production and sale of bottled water in New Hampshire, and other aspects of bottled water regulations:

Erica Davis, Supervisor
New Hampshire Department of Health and Human Services
Food Protection Section
Beverage & Bottled Water Program
(603) 271-4589
Erica.Davis@dhhs.nh.gov

Note: This fact sheet is accurate as of November 2019. Statutory or regulatory changes, or the availability of additional information after this date, may render this information inaccurate or incomplete.