

ENVIRONMENTAL Fact Sheet



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The N.H. Groundwater Protection Act: RSA 485-C An Overview

Sixty percent of New Hampshire’s residents are dependent on groundwater for their drinking water supplies. New Hampshire’s Groundwater Protection Act, passed in 1991, authorizes DES to regulate large groundwater withdrawals and commercial discharges of wastewater, establishes best management practices that must be employed by activities that are considered potential contamination sources, creates four classes of groundwater (Table 1), establishes groundwater quality standards, and enables local entities, such as water suppliers and town boards, to play a role in actively managing activities having the potential to contaminate valuable groundwater.

Preventing Contamination of Groundwater

Potential contamination sources (PCSs) are activities that use significant quantities of substances that have the potential to contaminate groundwater and/or affect human health. DES has established best management practices (BMPs), codified in Env-Wq 401, involving the use, transfer or storage of regulated substances in containers having a capacity of five or more gallons. The BMPs must be employed by all PCSs in the state.

The act establishes four classes of groundwater: GAA, GA1, GA2 and GB.

Table 1. CLASSES OF GROUNDWATER

Class	Local Inspection Of PCSs	Description/Comments
GAA	Yes	<ul style="list-style-type: none"> • Most protected class • Includes groundwater flowing to public water supply wells (wellhead protection areas). • Prohibits six high risk land uses
GA1	Yes	<ul style="list-style-type: none"> • Local entities identify valuable groundwater resources they want to protect via management of potential contamination sources.
GA2	No	<ul style="list-style-type: none"> • Includes high-yield stratified drift aquifers mapped by the USGS that are potentially valuable sources of drinking water.
GB	No	<ul style="list-style-type: none"> • Includes all groundwater not in a higher classification. As in all classes, groundwater must meet drinking water quality standards.

Under the act, all areas were initially classified as GA2 or GB. Wellhead protection areas and other valuable groundwater may be reclassified to Classes GAA or GA1, with both DES and the local entity (typically the municipality or water supplier) taking on specific responsibilities to prevent groundwater contamination in the reclassified areas. (See Table 1.) For guidance

concerning how to reclassify important groundwater resources, download DES's Guide to Groundwater Reclassification at <http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/wd-11-24.pdf> or contact the groundwater reclassification program manager at (603) 271-0688.

DES's fact sheet WD-DWGB-22-2 Local Reclassification of Groundwater to Implement Protection Programs: A Six Step Process, provides a summary of the process and is available online at <http://des.nh.gov/organization/commissioner/pip/factsheets/dwgb/index.htm> .

The DES Groundwater Discharge Permitting and Registration Program regulates commercial discharges to groundwater to minimize improper disposal of waste and wastewater containing solvents, petroleum products and other industrial and commercial wastes. All discharges of non-domestic wastewater to the ground must be registered with, and in some cases permitted by, the DES Water Division. In all cases state rules prohibit any discharge of non-domestic wastewater containing regulated contaminants above ambient groundwater quality standards established under the act. For more information visit the program's webpage at http://des.nh.gov/organization/divisions/water/dwgb/dwspp/gw_discharge/index.htm.

Preventing Unacceptable Impacts from Groundwater Withdrawals

To address concerns about the impacts of groundwater withdrawals, the act, along with the N.H. Safe Drinking Water Act, was amended in 1998 to give DES the authority to regulate groundwater withdrawals in excess of 57,600 gallons over a 24-hour period. The act ensures that no adverse impacts to water users or groundwater-dependent natural resources will occur. Adverse impacts as defined under the act include reducing the withdrawal capacity of private and public water supply wells, reducing river flows below acceptable levels established pursuant to the Rivers Management and Protection Act, or altering the flow or movement of any existing groundwater contamination. For more information concerning large groundwater withdrawals, see WD-DWGB-22-15, Large Groundwater Withdrawal Permitting Process for Major Projects at <http://des.nh.gov/organization/commissioner/pip/factsheets/dwgb/index.htm> .

The New Hampshire Groundwater Protection Act is available online at www.gencourt.state.nh.us/rsa/html/indexes/485-C.html or you may contact the DES Source Water Protection Program, (603) 271-0688.

Note: This fact sheet is accurate as of December 2011. Statutory or regulatory changes or the availability of additional information after this date may render this information inaccurate or incomplete.