

ENVIRONMENTAL Fact Sheet



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Local Reclassification of Groundwater To Implement Protection Programs: A Six-Step Process

Groundwater reclassification, established under RSA 485-C, is a process to provide greater protection to land areas contributing water to public water systems or to other locally-important groundwater resources. Reclassification is initiated by a “local entity,” which may include a water supplier, city or town, village district, or other duly constituted municipal unit, e.g., planning board, conservation commission.

The primary benefit of reclassification is increased safety of water supply resources (public water supply wells, aquifers) in the area that has been reclassified. With reclassification, the local entity conducts education efforts and inspections to monitor compliance with best management practices (BMPs) rules that apply to regulated substances, such as gasoline and oil, in Env-Wq 401, Best Management Practices for Groundwater Protection.

NHDES’ *Guide to Groundwater Reclassification* (November, 2015) outlines the groundwater reclassification process, as well as necessary information and approvals required for NHDES to approve a local groundwater reclassification. The Department can provide technical assistance to complete the reclassification process including a map of potential contamination sources (PCSs) as well as delineations of wellhead protection areas and other important groundwater resources. For information on how reclassification can affect property use, see Fact Sheet WD-DWGB-22-3 “*Groundwater Reclassification and How It Affects the Property Owner.*”

STEP ONE: Identify the Area to Protect – The local entity must identify the groundwater protection area to be reclassified. NHDES has delineated wellhead protection areas (WHPAs) for all community and non-transient public water supply wells. The local entity needs to identify which WHPAs are to be reclassified to GAA, and/or other areas to be reclassified GA1. GA1 delineations have utilized watershed boundaries, USGS aquifer transmissivity maps or even political boundaries to determine the extent of the area of locally important groundwater.

STEP TWO: Inventory, Visit and Verify Potential Contamination Sources (PCSs) Located in Delineated Area – The PCS inventory is performed by the local entity requesting reclassification and must include information as listed in RSA 485-C:8. NHDES maintains

| Groundwater Classifications | |
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| Class | Description |
| GAA | Delineated Wellhead Protection Areas. Prohibits new and monitors existing high risk uses, e.g. landfills. |
| GA1 | Groundwater of high value for present or future drinking water. No prohibitions. |
| GA2 | Potentially high-yielding stratified drift aquifers. No active management. |
| GB | All groundwater not assigned to a higher class. No active management. |

a PCS database that can provide partial listings of PCSs and maps on [OneStop](#). This information can be used as a starting point for inventory inspections. However, the PCS inventory must be verified and completed locally, and this is typically done through onsite inspections or drive-by (windshield) surveys and phone calls. The purpose of the inspection or phone call is to ensure that all PCSs in the inventory use, handle, store, or dispose of regulated substances. If they do not, they should be taken off the inventory. The local entity must submit a current PCS inventory and map to NHDES as part of the reclassification application.

STEP THREE: Hold an Informational Meeting (optional) – The purpose of this meeting is to inform the public of the intention to implement a protection program. The meeting is optional, but if the meeting is held the following information must accompany the reclassification request: date and location of meeting, number of people who attended, locations of two public notification postings, name of local newspaper in which notice was published, and a summary of the required information that was presented at the meeting as per Env-Dw 901.14.

STEP FOUR: Describe the Management Program – Developed by the local entity requesting reclassification, the local management program identifies the process that will be utilized for updating the inventory, notifying PCSs (at intervals not to exceed three years), and performing inspections for compliance with the BMP rules under Env-Wq 401. In addition, the management program provides names and addresses of all landowners in the area to be reclassified and a list of all facilities, which have or would need to obtain NHDES release detection permits issued under the Groundwater Release Detection Permit Rules, Env-Or 700. It also includes an assessment of the local entity’s ability to implement and maintain the protection program authorized by reclassification. The required elements of the management program are defined and listed under Env-Dw 901.17.

STEP FIVE: Submit a Request to Reclassify Groundwater to NHDES – This request, submitted by the local entity requesting reclassification, is accomplished by submitting a request form to NHDES with the information completed in Steps 1 through 4. The application form and a checklist of items that must accompany the reclassification request is available online at the NHDES Groundwater Reclassification Program page.

After acknowledging receipt of the completed reclassification request, NHDES must notify all landowners of record and the town or city clerk of all affected municipalities. NHDES will then schedule a public hearing. NHDES must provide notice 30 days in advance of a public hearing to all landowners within the area to be reclassified. After the hearing, the NHDES commissioner approves or denies the reclassification request. If the request is denied, NHDES must notify the local entity and provide a written summary of the reasons for denial.

STEP SIX: Following NHDES Approval, Implement the Local Management Program – Every three years the local entity must update the PCS inventory, notify PCS owners per RSA 485-C:8 III(b), and conduct PCS inspections. If the local entity fails to implement and/or maintain the protection program authorized by reclassification, the groundwater could be reclassified to class GA2 or GB, which do not contain inspection and enforcement authorities.

For More Information

Please contact the Drinking Water and Groundwater Bureau at (603) 271-2513 or dwgbinfo@des.nh.gov or visit the Groundwater Reclassification Program page at our website at www.des.nh.gov.

Note: This Fact Sheet is accurate as of August 2019. Statutory or regulatory changes or the availability of additional information after this date may render this information inaccurate or incomplete.