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Groundwater Reclassification and How It Affects the Property Owner

What is groundwater reclassification?

Under New Hampshire state law, RSA 485-C, all groundwater is classified into one of four categories: GAA, GA1, GA2 and GB. (See Table 1) Typically, groundwater reclassification involves designating an area for a higher level of protection because it contributes groundwater to a public water system or represents an area of high value groundwater for present or future water supply. Reclassification is initiated by a local entity – usually a municipality or public water supplier – but can also be initiated by NHDES. The primary benefit of reclassification is increased safety of water supply wells by limiting six high risk land uses and/or instituting local inspection of potential contamination sources within the area that has been reclassified.

What is the local role?

A local entity begins the reclassification process by identifying wellhead protection areas and/or other locally important groundwater resources to reclassify to GAA or GA1 respectively from a classification offering less protection, e.g., GA2 or GB. Within the areas to be reclassified, the local entity must develop and maintain an inventory of potential contamination sources (PCSs) that use, store, or handle regulated substances in greater-than-household quantities. The local entity must develop a PCS management program that regularly provides notice and information concerning best management practices and conducts

Table 1 Groundwater Classifications	
Class	Description
GAA	<ul style="list-style-type: none"> • Delineated Wellhead Protection Areas • Prohibits new and monitors existing high risk uses (e.g., landfills) • Authorizes active management on local level
GA1	<ul style="list-style-type: none"> • Groundwater of high value for present or future drinking water • No land use prohibitions • Authorizes active management on local level
GA2	<ul style="list-style-type: none"> • Potentially valuable stratified drift aquifers defined by USGS • No land use prohibitions • No active management
GB	<ul style="list-style-type: none"> • All groundwater not assigned to a higher class • No land use prohibitions • No active management

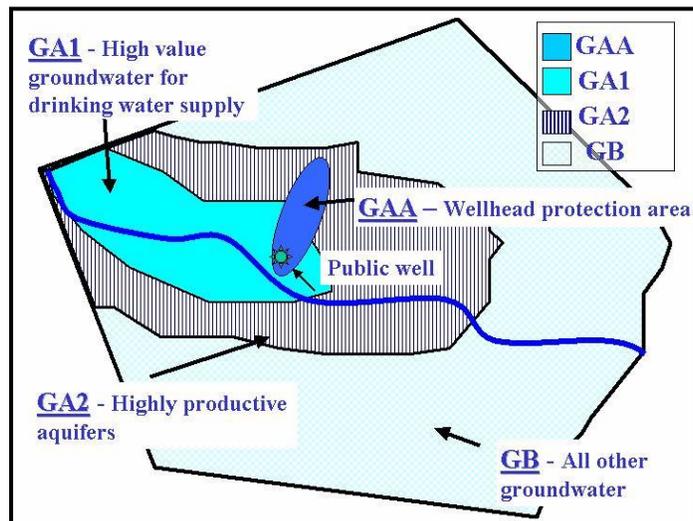


Figure 1. Example of Groundwater Reclassification

inspections of PCS facilities within GAA or GA1 reclassified areas. The PCS inventory and management plan are submitted as part of a reclassification application to NHDES.

What is the state’s role?

NHDES assists local entities to prepare applications for groundwater reclassification and then determines whether the application is complete and in compliance with applicable laws and regulations, specifically RSA 485-C, the Groundwater Protection Act, and Administrative Rule Env-Dw 901, Groundwater Reclassification rules. Once the reclassification application is determined to be complete, NHDES holds a public hearing to hear comments on the proposed reclassification. NHDES considers the public comments and either approves or denies the application. If the reclassification request is approved, NHDES continues to assist the local entity to implement its PCS management program.

How does the local entity manage potential contamination sources?

PCS management is accomplished primarily by providing educational materials and copies of BMP rules and conducting on-site inspections of PCS facilities at least once every three years. The educational materials and rules assist PCS managers to implement proper storage, handling, and transfer of regulated substances that can pose a threat to groundwater quality and public health. In addition, the local entity inspects PCSs (see Table 2) to make sure they are complying with best management practices (BMP) rules that address proper storage, handling, and disposal of regulated substances. The BMPs are defined in Administrative Rule Env-Wq 401, Best Management Practices for Groundwater Protection.

Does reclassification mean more regulation? Does it limit what I can do on my property?

Land Use Restrictions: In wellhead protection areas reclassified to GAA, six high-risk land uses are prohibited: hazardous waste disposal facilities, solid waste landfills, outdoor bulk storage of road salt, junkyards, snow dumps, and wastewater or septage lagoons. In New Hampshire, all PCSs that use regulated substances in regulated containers (equal to or exceeding five gallons) are required to comply with the BMP rules. The difference is that in reclassified areas local resources are committed to regularly checking to ensure compliance. *Residential properties are not subject to Env-Wq 401 nor are businesses that use small quantities of regulated substances (e.g., substances that are stored in containers that are less than five gallons).*

Monitoring Requirements: Prohibited land uses (listed above) that already operate within a GAA area may continue but must obtain a Groundwater Release Detection permit from NHDES and, as part of that permit, regularly monitor groundwater. This is also required for any new solid waste composting or resource recovery facility.

Table 2 Potential Contamination Sources Subject to BMP Compliance Inspections
Vehicle service and repair shops
General service and repair shops
Metalworking shops
Manufacturing facilities
Waste and scrap processing and storage
Laboratories and certain professional offices (medical, dental, veterinary)
Salt storage and use
Cleaning services
Food processing plants
Fueling and maintenance of earth moving equipment
Concrete, asphalt, and tar manufacture
Hazardous waste facilities

Who has the authority to enforce the rules?

The local entity electing to reclassify areas to GAA or GA1 has the authority to enforce the BMP rules. The enforcement process, which emphasizes education and a common-sense approach to preventing groundwater contamination, is designed to encourage compliance with the rules rather than resort to fines. However, a PCS owner may be subject to fines and other state and local enforcement action if

BMP rule violations are not corrected within a reasonable period of time following notification. NHDES has the authority to enforce the rules statewide but concentrates on assisting local entities in developing and implementing groundwater protection programs.

For More Information

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

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