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CHAPTER Env-Dw 900 PROTECTION OF WATER SOURCES

PART Env-Dw 901 GROUNDWATER RECLASSIFICATION

REVISION NOTE:

Document #8747, effective 10-28-06, readopted with amendments and renumbered former Part Env-Ws 420, entitled Groundwater Reclassification, under a new subtitle as Part Env-Dw 901. The redesignation from subtitle Env-Ws to subtitle Env-Dw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05.

Document #8747 replaces all prior filings for rules formerly in Env-Ws 420. The prior filings for rules in former Env-Ws 420 include the following documents:

#5542, eff 12-24-92

#6921, eff 12-24-98

Env-Dw 901.01 Purpose. The purpose of the rules in this part is to implement RSA 485-C:5 and RSA 485-C:7 - 12 relative to groundwater reclassification and management of wellhead protection areas and other locally important groundwater.

Source. (See Revision Note at part heading for Env-Dw 901)  
#8747, eff 10-28-06; ss by #10749, eff 12-19-14

Env-Dw 901.02 Applicability. The rules in this part shall apply to:

- (a) A any person seeking a reclassification of groundwater as allowed under RSA 485-C:9; and
- (b) Any local entity that has requested and obtained a groundwater reclassification for which RSA 485-C:8 requires on-going management of potential contamination sources.

Source. (See Revision Note at part heading for Env-Dw 901)  
#8747, eff 10-28-06; ss by #10749, eff 12-19-14

Env-Dw 901.03 Standard Terms. Any terms used in this part that are subject to Env-Dw 101.03 or that are defined in Env-Dw 103 shall have the meaning established therein.

Source. (See Revision Note at part heading for Env-Dw 901)  
#8747, eff 10-28-06; ss by #10749, eff 12-19-14

Env-Dw 901.04 Part-Specific Definitions.

(a) “Best management practice” means “best management practice” as defined in RSA 485-C:2, II, as reprinted in Appendix B.

(b) “Boundary change” means the reclassification of some portion(s) of an area that has been reclassified pursuant to Env-Dw 901.06.

(c) “Class” means class of groundwater.

(d) “Contact person” means an individual who can be contacted on behalf of a local entity or other person who is submitting a request to the department regarding the request.

(e) “Contributing area” means “contributing area” as defined in RSA 485-C:2, IV, as reprinted in Appendix B.

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- (f) “Groundwater” means “groundwater” as defined in RSA 485-C:2, VIII, as reprinted in Appendix B.
- (g) “Inventory inspection” means a field verification conducted by the department or a local entity to determine whether an activity within the contributing area of a proposed groundwater reclassification that has been identified as a potential contamination source actually uses, handles, or stores regulated substances subject to the best management practices listed in Env-Wq 401.
- (h) “Local entity” means “local entity” as defined in RSA 485-C:2, X, as reprinted in Appendix B.
- (i) “Management inspection” means a periodic inspection conducted by a local entity to ensure that potential contamination source activities are in compliance with applicable best management practices.
- (j) “New facility” means any facility established or activity commencing:
- (1) After reclassification, in an area that was reclassified to GAA prior to October 28, 2006; or
  - (2) After the department issues a notice pursuant to Env-Dw 901.11 that a complete reclassification application has been received, for an area that is proposed to be reclassified to GAA after October 28, 2006, unless the department subsequently denies the reclassification request.
- (k) “Person” means “person” as defined in RSA 485-C:2, XI, as reprinted in Appendix B.
- (l) “Potential contamination source” means “potential contamination sources” as described in RSA 485-C:7, as reprinted in Appendix B.
- (m) “Regulated contaminant” means “regulated contaminant” as defined in RSA 485-C:2, XIII, as reprinted in Appendix B.
- (n) “Regulated substance” means any of the following, with the exclusion of substances used for the treatment of drinking water or waste water at department approved facilities:
- (1) Oil as defined in RSA 146-A:2, III, as reprinted in Appendix B;
  - (2) Any substance that contains a regulated contaminant for which an ambient groundwater quality standard has been established pursuant to RSA 485-C:6; and
  - (3) Any substance listed in 40 CFR 302, 7-1-13 edition.
- (o) “Resource recovery facility” means any facility engaged in an activity beyond sorting or physical volume reduction methods, to treat or process solid waste into usable secondary materials or products, including but not limited to fuel, energy, or compost.
- (p) “Transmissivity” means “transmissivity” as defined in RSA 485-C:2, XVI, as reprinted in Appendix B.
- (q) “Wellhead protection area” means “wellhead protection area” as defined in RSA 485-C:2, XVIII, as reprinted in Appendix B.

[Source.](#) (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.03)

Env-Dw 901.05 Classes of Groundwater. Groundwater shall be classified as specified in RSA 485-C:5, I, and summarized in table 901-1, below:

Table 901-1: Groundwater Classes

Class	Description
GAA	Groundwater within the wellhead protection area for wells that are currently used, or well sites that have been identified for future use, as sources of drinking water for public water systems
GA1	Groundwater in a defined zone of high value for present or future drinking water supply
GA2	Groundwater within aquifers identified as highly productive for potential use as a public water supply by the U.S. Geological Survey (USGS) regional groundwater studies or other regional studies
GB	Groundwater not assigned to a higher class

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.04)

Env-Dw 901.06 Requests for Reclassification of Groundwater to GAA or GA1. A local entity requesting a reclassification of groundwater to GAA or GA1 shall provide the following to the department:

(a) A completed reclassification request form as specified in Env-Dw 901.07, which shall constitute the written request required by RSA 485-C:9, II or III, as applicable;

(b) If the local entity is a duly-constituted municipal unit, the written concurrence of the local governing body as required by RSA 485-C:9, II or III, as applicable, which may be in the form of certified minutes of the meeting at which the agreement occurred;

(c) If the request is for reclassification to GAA, a wellhead protection area delineation as required by RSA 485-C:9, II or III, as applicable, performed in accordance with Env-Dw 901.12;

(d) If the request is for reclassification to GA1, a definition of the contributing area of high value groundwater for present or future drinking water supply as required by RSA 485-C:9, II or III, as applicable, prepared in accordance with Env-Dw 901.13;

(e) A potential contamination source inventory report as required by RSA 485-C:9, II or III, as applicable, prepared in accordance with Env-Dw 901.16;

(f) A potential contamination source management program as required by RSA 485-C:9, II or III, as applicable, prepared in accordance with Env-Dw 901.17; and

(g) A description of the informational meeting held in accordance with Env-Dw 901.14 if the local entity chooses to hold one, including the following information:

- (1) The date of meeting;
- (2) The location of meeting;
- (3) The number of people attending; and
- (4) The location where meeting notice was posted and newspaper in which it was published.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.05)

Env-Dw 901.07 Reclassification Request Form.

(a) The local entity requesting reclassification shall provide the following information pursuant to Env-Dw 901.06(a):

- (1) The date of the request;
- (2) The name of the local entity that is submitting the request;
- (3) The name, mailing address, and daytime telephone number of a contact person and, if available, a fax number and e-mail address for the contact person;
- (4) Whether the request is for reclassification to GAA or GA1 or both; and
- (5) The name of each municipality in which the groundwater is located.

(b) The local entity requesting reclassification shall submit U.S. Geological Survey (USGS) 7.5 minute series quadrangle map(s) showing the area in which the groundwater is located with the completed form.

(c) A duly-authorized representative of the local entity submitting the request shall sign and date the form and print or type his or her name and title.

(d) The signature provided pursuant to (c), above, shall constitute certification that the information provided on the form and with the request is true, complete, and not misleading to the best knowledge and belief of the signer.

(e) If the area(s) to be reclassified are within a municipality other than the one filing the request, a duly-authorized representative of each such municipality shall sign and date the form and print or type his or her name and title.

(f) Each signature provided pursuant to (e), above, shall indicate that the municipality is aware of the reclassification request and does not oppose the request.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14

Env-Dw 901.08 Requests for Review of Groundwater Classified as GAA or GA1.

(a) A person requesting the department to review a contributing area classified as GAA or GA1 to determine whether the requirements for inventory and management of potential contamination sources are being met as provided in RSA 485-C:9, V, shall submit a report to the department that explains the reason(s) why the person believes the requirements for the present classification are not being met.

(b) After receiving a request pursuant to (a), above, the department shall:

- (1) Proceed in accordance with RSA 485-C:9, V(a); and
- (2) Notify in writing the person requesting the review and the local entity of its actions.

(c) If the department determines that a deficiency in the inventory and management program exists and has not been corrected within the time required by RSA 485-C:9, V(a), the commissioner shall propose to reclassify the groundwater as GB unless the department has adequate resources to take over the inspection and management program.

(d) Prior to finalizing the reclassification, the department shall provide notice and hold a public hearing as required by RSA 485-C:9, VI.

[Source.](#) (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.07)

Env-Dw 901.09 Requests for Reclassification of Groundwater to GA2.

(a) As specified in RSA 485-C:9, IV, upon receipt of a report or study that identifies areas of bedrock or stratified drift aquifers that are highly productive for public water supply, the department shall recommend to the commissioner that a reclassification to GA2 should occur if the areas:

- (1) Meet the criteria for the class; and
  - (2) Are not already classified as GAA or GA1.
- (b) A request to reclassify an area to GA2 shall include:
- (1) The name, mailing address, and daytime telephone number of the requestor and, if the requestor is other than an individual, the name and daytime telephone number of a contact person;
  - (2) The date, title, and author of the report or study;
  - (3) The name of each municipality in which the groundwater is located;
  - (4) A copy of the report or study; and
  - (5) A narrative explaining the reasons for the request.

[Source.](#) (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.08)

Env-Dw 901.10 Requests for Boundary Changes.

(a) A person who wishes to request a change in the boundary of groundwater that has been classified pursuant to this part shall submit the following information in writing to the department:

- (1) The date of the request;
- (2) The name, mailing address, and daytime telephone number of the requestor and, if the requestor is other than an individual, the name and daytime telephone number of a contact person;
- (3) The name of each municipality in which the boundaries lie;
- (4) The classification and location of groundwater under review;
- (5) The USGS 7.5 minute series quadrangle map(s) showing the existing and proposed boundaries of the groundwater classification; and
- (6) A narrative explaining the reasons for the request.

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(b) If the department determines that the request is based on information not presented at the time of the initial classification of the groundwater, then the department shall take action on the request in accordance with Env-Dw 901.11.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.09)

Env-Dw 901.11 Department Action on Requests for Reclassification or Boundary Changes.

(a) Upon receipt of a request for reclassification of groundwater to GAA or GA1, for a boundary change, or for reclassification to GA2, the department shall determine whether all of the requisite information for the application has been received, as specified in:

- (1) Env-Dw 901.06 and Env-Dw 901.07 for reclassification of groundwater to GAA or GA1;
- (2) Env-Dw 901.09 for reclassification to GA2; or
- (3) Env-Dw 901.10 for a boundary change.

(b) If the department determines that the request is complete, the department shall:

- (1) Acknowledge receipt of the request in writing to the local entity or other person making the request and each municipality in which the groundwater is located; and
- (2) Schedule and issue notice of a public hearing on the request in accordance with RSA 485-C:9, VI.

(c) If the department determines that the request is not complete, the department shall notify the local entity or other person filing the request in writing of the information that is needed to complete the request.

(d) The department shall conduct the public hearing held pursuant to (b)(2), above, in accordance with the provisions of Env-C 200 that apply to non-adjudicative hearings.

(e) Following the public hearing, the department shall notify in writing the local entity or other person requesting the reclassification or boundary change and each municipality in which the groundwater is located of the department's decision on the request. If the request is denied, the written decision shall specify the reason(s) for the denial.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.10)

Env-Dw 901.12 Wellhead Protection Area Delineations.

(a) A local entity requesting reclassification to GAA shall prepare, or request the department to prepare, a wellhead protection area delineation that covers each well included in the area that is the subject of the request.

(b) If the local entity requests the department to prepare the delineation, the request shall:

- (1) Be submitted on official letterhead; and
- (2) Include the following:
  - a. The date of the request;



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- b. The name of the local entity;
- c. The name, mailing address, and daytime telephone number of a contact person and, if available, a fax number and e-mail address;
- d. The municipality in which the well is located;
- e. The name and PWS identification number of the well;
- f. The well type;
- g. The population and municipalities served by the well;
- h. The name, mailing address, and daytime telephone number of the well owner;
- i. The street address and locus map of well location;
- j. Hydrogeological or engineering reports, if available; and
- k. Any site specific information available for the well site, that is available, such as well siting report(s), boring logs, and pumping test report(s).

(c) If the local entity is performing the delineation for department review, the request to review the delineation shall include all information considered in preparing the delineation.

(d) Wellhead protection area delineations shall be based on the information specified in (b)(2), above.

(e) Upon reclassification to GAA, any challenge to the delineated boundaries shall be made in accordance with Env-Dw 901.10.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.11)

Env-Dw 901.13 Delineations of Groundwater and Well Sites for Present or Future Drinking Water Supply.

(a) A local entity requesting reclassification to GA1 shall identify areas that are currently used or will be used for future drinking water supply on USGS 7.5 minute series topographic maps.

(b) The requestor under (a), above, shall provide a map, accompanied by a report, that includes the following information:

(1) The relationship of the proposed area to existing or planned drinking water supplies, including any hydrogeologic information which supports the definition of the area drawn on the map; and

(2) A description of the extent to which the groundwater is or will be used for drinking water purposes.

(c) A local entity requesting reclassification to GAA of a wellhead protection area for a well site that has been identified for future use shall submit the information specified in (a) and (b), above, and the following:

(1) An estimate of the projected production volume of the well expressed in gallons per day;

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(2) For wells with projected production volumes less than 57,600 gallons per day, a delineation of the wellhead protection area or a map with a circle using a radius drawn from the well to a linear distance based upon the projected volume in accordance with Env-Dw 301.07(b)(2), Table 301-2; and

(3) For wells with projected production volumes of 57,600 gallons per day or greater, a delineation of the wellhead protection area or a map with a circle using a radius drawn from the well to a linear distance of 4,000 feet.

(d) For reclassifications using a delineation completed per (c)(2) or (c)(3), above, when a final wellhead protection area delineation is completed under Env-Dw 301 or Env-Dw 302, or if a more accurate delineation has been completed, the local entity shall submit the subsequent delineation to the department with a request to change the reclassification boundaries in accordance with Env-Dw 901.10.

(e) Upon reclassification to GAA or GA1, any challenge to the delineation shall be made in accordance with Env-Dw 901.10.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.12)

Env-Dw 901.14 Informational Meeting.

(a) An informational meeting may be held by the local entity seeking reclassification prior to performing an inventory inspection or developing a management program in order to explain to interested parties that it is seeking reclassification of groundwater.

(b) If the local entity is not a private supplier of water, the estimated cost of seeking and maintaining reclassification shall be presented at the meeting held pursuant to (a), above.

(c) The notice of the informational meeting shall be:

(1) Published by the local entity in a newspaper of general circulation in the municipality affected; and

(2) Posted in at least 2 public places, one of which shall be the local entity's web site if the local entity has a web site.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.13)

Env-Dw 901.15 Performing an Inventory of Potential Contamination Sources. A local entity requesting reclassification to GAA or to GA1 shall:

(a) Perform the required inventory of potential contamination sources by:

(1) Reviewing human activities and operations to determine whether potential contamination sources such as those listed in RSA 485-C:7, II are located within the area proposed to be reclassified; and

(2) Recording the information specified in RSA 485-C:8, II for each potential contamination source; and

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(b) Submitting an inventory report in accordance with Env-Dw 901.16.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.14)

Env-Dw 901.16 Inventory Report.

(a) The inventory report submitted pursuant to Env-Dw 901.15(b) shall include:

- (1) The information required by RSA 485-C:8, II; and
- (2) A description of how the inventory was performed and what sources were used to ensure its completeness.

(b) If the groundwater is reclassified as requested, the local entity shall provide a copy of an inventory report to the department every 3 years that has been updated based on the inspections required by RSA 485-C:III(c).

(c) The local entity shall submit each inventory report as a paper report and, if available, in a computer database format that is compatible with the format of a department database.

Source. (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.15)

Env-Dw 901.17 Management Program.

(a) A local entity requesting reclassification to GAA or to GA1 shall include in its request a plan for a potential contamination source management program that will meet the requirements of RSA 485-C:8, III.

(b) The potential contamination source management program plan provided pursuant to (a), above, shall include the following:

- (1) A description of the process for updating the inventory at intervals no greater than 3 years, as required by RSA 485-C:8, III(a);
- (2) A description of the process for written notification to the owner of each potential contamination source listed in the inventory at intervals no greater than 3 years, as required by RSA 485-C:8, III(b);
- (3) A list of the name of the owner and the site address and tax map and lot number of each property within the area proposed to be reclassified, submitted in paper format and, if available, in a computer database format that is compatible with the format of a department database suitable for the department to use in preparing mailing labels so as to meet the notification requirements of RSA 485-C:9, VI(b);
- (4) A list of all facilities requiring or having release detection permits issued pursuant to Env-Or 700 or predecessor rules in Env-Wm 1403 within the area proposed to be reclassified;
- (5) The process for performing a management inspection in accordance with Env-Dw 901.18 of all potential contamination sources located within the area proposed to be reclassified at least once every 3 years to ascertain compliance with best management practices for preventing groundwater contamination, provided, however, that pesticides regulated under RSA 420:28-48 and agricultural operations which are operated in compliance with all applicable chapters of RSA

title XL and best management practices developed, administered and enforced by the New Hampshire department of agriculture, markets, and food shall not be subject to inspection under these rules, pursuant to RSA 485-C:8, III, (c) (1) and (2); and

(6) An assessment of the ability of the local entity to implement and maintain the potential contamination source management program.

(c) The written notification to each potential contamination source described in (b)(2), above, shall include:

(1) The name and address of the contact person for the local entity requesting reclassification, and, for GAA areas, the location(s) of the well(s) for which the wellhead protection area was delineated;

(2) A statement that the potential contamination source is in a wellhead protection area, an area likely to have groundwater below it that is drawn to a community water supply well, or an area of potential use for future public water supply, as applicable;

(3) A statement of what the present use of the property is and a statement that it is considered to have potential for groundwater contamination;

(4) A copy of Env-Wq 401 relative to best management practices for preventing groundwater contamination;

(5) A statement that any unpermitted discharge to groundwater, or contamination of groundwater, is illegal under RSA 485-A:13 and Env-Or 700 and Env-Wq 402; and

(6) The name and phone number of a contact person and affiliated agency to call at the local level and at the state level to answer any questions about the program.

[Source.](#) (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.16)

Env-Dw 901.18 Performance of Management Inspections.

(a) As required by RSA 485-C:8, III(c), the local entity shall conduct management inspections of potential contamination sources in contributing areas for groundwater classified as GAA or GA1 at least once every 3 years, provided, however, that pesticides regulated under RSA 430:28-48 and agricultural operations which are operated in compliance with all applicable chapters of RSA title XL and best management practices developed, administered, and enforced by the New Hampshire department of agriculture, markets, and food shall not be subject to inspection under these rules.

(b) The local entity shall provide written notice of any violations of best management practices to the owner of the potential contamination source within 30 days of the date of the management inspection.

(c) Inability to gain access to a potential contamination source for the purpose of conducting a management inspection shall be reported by the local entity to the local health officer and to the department.

[Source.](#) (See Revision Note at part heading for Env-Dw 901) #8747, eff 10-28-06; ss by #10749, eff 12-19-14 (from Env-Dw 901.17)

Env-Dw 901.19 Waivers.

(a) A local entity requesting reclassification of groundwater or a person requesting that the department review a contributing area classified as GAA or GA1 or reclassify an area to GA2 or GB or change one or more of the boundaries of an existing groundwater reclassification or a person responsible for implementing a management program under this part may request a waiver to any information requirement under this part, provided that the information requirement is not mandated by RSA 485-C.

(b) The person requesting the waiver(s) shall submit the following information in writing to the department:

- (1) The name, mailing address, daytime telephone number, and email address, if any, of the person who is requesting the waiver and, if the person is other than an individual, the name, daytime telephone number, and email address, if any, of an individual who can be contacted by the department relative to the request;
- (2) Identification of the location of the area covered by the review or reclassification request to which the waiver request relates;
- (3) Identification of the specific section of the rules that requires the information to which the waiver request relates;
- (4) A full explanation of why a waiver is being requested, including an estimate of the costs of obtaining the information;
- (5) Whether the waiver is needed for a limited or indefinite period of time; and
- (6) A full explanation of how granting a waiver meet the criteria specified in (c), below.

(c) The department shall grant a waiver to an information requirement upon finding that:

- (1) The information requirement is not mandated by RSA 485-C; and
- (2) Denial of the waiver request would place a financial burden on the requestor that is disproportionate to the value of the information required.

(d) The department shall issue a written response to a request for a waiver within 60 days of receipt of the request. If the department denies the request, the reasons(s) for the denial shall be clearly stated in the written response.

Source. #10749, eff 12-19-14 (from Env-A 901.18)

PART Env-Dw 902 PROTECTING THE PURITY OF SURFACE WATER SOURCES OF DRINKING WATER

Statutory Authority: RSA 485:23, I; RSA 485:24, I

REVISION NOTE:

Document #10602, effective 5-20-14, readopted with amendments and renumbered former Part Env-Ws 386, titled “Rules for Protecting the Purity of Regulated Watersheds”, and also adopted new rules, under a new subtitle as Part Env-Dw 902, titled “Protecting the Purity of Surface Water Sources of Drinking Water”. The redesignation from subtitle Env-Ws to subtitle Env-Dw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05.

Most of the existing rules in Env-Ws 386 had last been filed under Document #8500, effective 11-30-05, but they did not expire on 11-30-13 but were extended pursuant to RSA 541-A:14-a until replaced by the rules in Document #10602, effective 5-20-14.

Document #10602 replaces all prior filings for rules in the former Env-Ws 386. The prior filings for these former rules, beginning with Document #6521, effective 6-4-97, which had readopted with amendments the entire Chapter Env-Ws 300, include the following documents:

- #6521, eff 6-4-97
- #7508, eff 6-21-01
- #7590, EMERGENCY, eff 11-18-01, EXPIRED 5-7-02
- #8360, INTERIM, eff 6-4-05
- #8500, eff 11-30-05
- #8969, eff 8-24-07

Env-Dw 902.01 Purpose. The purpose of this part is to implement RSA 485:23 and RSA 485:24 by establishing reasonable watershed management practices to protect the quality of surface waters used as sources of drinking water.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13826, eff 10-26-21

Env-Dw 902.02 Applicability.

(a) This part shall apply only to the particular watershed identified in the introductory paragraph(s) of each section.

(b) The rules in Env-Dw 902.01 through Env-Dw 902.06 shall apply to Env-Dw 902.07 through Env-Dw 902.35.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13826, eff 10-26-21

Env-Dw 902.03 Definitions. Unless otherwise defined in context, the following definitions shall apply to this part:

(a) “Agricultural compost” means “agricultural compost” as defined in RSA 431:33, I, reprinted in Appendix C;

(b) “All-terrain vehicle” means “all-terrain vehicle” as defined in RSA 215-A:1, I-b, reprinted in Appendix C;

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(c) “Board of water commissioners” means the local authority that is in charge of the local public water system;

(d) “Commercial fertilizer” means “commercial fertilizer” as defined in RSA 431:33, II, reprinted in Appendix C;

(e) “Hazardous waste” means “hazardous waste” as defined in RSA 147-A:2, VII, reprinted in Appendix C;

(f) “Industrial waste” means “industrial waste” as defined in RSA 485-A:2, VI, reprinted in Appendix C;

(g) “Inlet” means an area of surface water that connects to and is part of a lake or pond, including but not limited to a bay or cove;

(h) “Junk yard” means “junk yard” as defined in RSA 236:112, I, reprinted in Appendix C;

(i) “Machinery junk yard” means “machinery junk yard” as defined in RSA 236:112, III, reprinted in Appendix C;

(j) “Manure” means “manure” as defined in RSA 431:33, III, reprinted in Appendix C;

(k) “Motor vehicle” means “motor vehicle” as defined in RSA 259:60, reprinted in Appendix C;

(l) “Off-highway recreational vehicle (OHRV)” means “off-highway recreational vehicle” as defined in RSA 215-A:1, VI, reprinted in Appendix C;

(m) “Other waste” means “other waste” as defined in RSA 485-A:2, VIII, reprinted in Appendix C;

(n) “Person” means “person” as defined in RSA 485-A:2, IX, reprinted in Appendix C;

(o) “Seaplane” means “seaplane” as defined in RSA 270:2, IX, reprinted in Appendix C;

(p) “Sewage” means “sewage” as defined in RSA 485-A:2, X, reprinted in Appendix C;

(q) “Ski craft” means “ski craft” as defined in RSA 270:73, V, reprinted in Appendix C;

(r) “Snowmobile” means “snowmobile” as defined in RSA 215-A:1, XIII, reprinted in Appendix C;

(s) “Solid waste” means “solid waste” as defined in RSA 149-M:4, XXII, reprinted in Appendix C; and

(t) “Tributary” means a surface water body that is connected by surface flow in a distinct channel to the subject surface water body. The term includes, but is not limited to, the upstream reach of an impounded river, a stream that feeds directly into the subject surface water body, and a pond that is connected by a stream to the subject surface water body.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13826, eff 10-26-21

Env-Dw 902.04 Restriction of Activities Beyond The Setback From Streams and Shorelines.

(a) The rules in Env-Dw 902.07 through Env-Dw 902.35 shall apply to also restrict activity beyond the shoreline setback if the department determines that such activity would endanger water quality.

(b) The department shall consider the following factors when determining whether an activity beyond the shoreline setback would endanger water quality:



- (1) Type of contaminant;
  - (2) Amount of contaminant generated by the activity;
  - (3) Persistence of the contaminant;
  - (4) Distance and topography between the contaminant locus and the water supply intake; and
  - (5) Application of best management practices (BMPs) or best available treatment (BAT).
- (c) Prior to making a determination, the department shall conduct a public hearing:
- (1) In a location within the watershed that would be affected by a determination or, if there is not a suitable location within the watershed, in a location that is near the watershed; and
  - (2) In accordance with the provisions of Env-C 200 that apply to non-adjudicative proceedings.

(d) If the department determines that, due to the type, amount, and persistence of the contaminant and the topography and distance between the activity that generates the contaminant and the water supply intake, the contaminant cannot be reduced to a safe level through the application of BMPs or BAT, the department shall issue a written notice advising the water supplier and the person undertaking the activity that the activity shall be restricted to a specified distance from the water supply intake, with or without BMPs or BAT, so that the activity will not pose a threat to the water taken in by the water system.

[Source.](#) (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13826, eff 10-26-21

Env-Dw 902.05 Waivers.

(a) Any person whose activities in a given watershed are restricted by these rules and who wishes to request a waiver of the rule(s) that impose(s) the restriction(s) shall make such request in accordance with this section.

(b) The person requesting a waiver shall:

- (1) Compile the information specified in (d), below, in a written document;
- (2) Sign and date the document;
- (3) If the requestor does not own the affected property, obtain the dated signature of each property owner as identified pursuant to (d)(2), below;
- (4) Submit the original signed document to the department; and
- (5) Send a copy of the signed document to the affected water supplier and to each municipality in which the affected property is located.

(c) The signature(s) of the applicant and the affected land owner(s), if any, shall constitute certification that the information provided is true, complete, and not misleading to the knowledge and belief of the signor.

(d) Each request for a waiver shall include the following information:

- (1) The name, mailing address, and daytime telephone number of the person making the request and, if available, an email address and fax number;



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- (2) If the person making the request is not the owner of the property, the name and mailing address, and daytime telephone number of each landowner and, if available, an email address and fax number;
  - (3) A description of the affected property, including town, street address, and tax map and lot number;
  - (4) A specific reference to the section and paragraph within the section for which a waiver is being sought;
  - (5) A full explanation of why a waiver is being requested, including an explanation of the practical and economic consequences to the person of complying with the rule as written;
  - (6) Whether the need for the waiver is temporary or permanent and, if temporary, the amount of time the waiver is needed;
  - (7) If the requestor is proposing an alternative measure, a full explanation of the alternatives that will be implemented if the waiver is granted, with backup supporting data; and
  - (8) A full explanation of how the waiver request meets the criteria specified in (h), below.
- (e) Upon receipt of a waiver request, the department shall inform the affected water supplier and the municipality in which the property is located of the opportunity to submit data, views, or comments regarding the waiver request in accordance with RSA 541-A:39.
- (f) If requested by the affected water supplier or municipality, the department shall conduct a public hearing regarding the waiver request prior to making a decision on the request.
- (g) Any public hearing held pursuant to (f) above, shall be conducted:
- (1) In a location within the watershed that would be affected by a determination or, if there is not a suitable location within the watershed, in a location that is near the watershed; and
  - (2) In accordance with the provisions of Env-C 200 that apply to non-adjudicative proceedings.
- (h) The department shall grant a waiver if it determines that:
- (1) The activity will be undertaken in a way that will provide equivalent or better protection to the protected surface water; or
  - (2) The affected water supplier does not object to the request and the intent of RSA 485:24 and RSA 485:25 will still be met.
- (i) The department shall send its written decision on a waiver request to the requestor, each property owner identified pursuant to (d)(2) above, each municipality in which the property is located, and the affected water supplier.
- (j) If the waiver request is denied, the department shall specify the reason(s) for the denial in its written decision.
- (k) If a waiver is granted, the department shall:
- (1) Attach such conditions to the waiver as are necessary to ensure that the criteria specified in (h) above, are met; and
  - (2) Specify the expiration date of the waiver, if a temporary waiver was requested.

(l) Any waiver granted shall be transferable with the affected property until the stated expiration date of the waiver, if any.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.06 Notice to Municipalities.

(a) Whenever the department proposes to adopt, amend, readopt with amendment, or repeal any provision of Env-Dw 902 that affects a particular watershed, the department shall provide written notice to:

- (1) The governing body of each municipality in which any part of the watershed is located; or
- (2) The county commissioners, if any part of a watershed is within an unincorporated place.

(b) The department shall send the written notice within 7 calendar days of filing the rulemaking notice under RSA 541-A:6, I.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.07 Protection of the Purity of Bradley Lake and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Bradley Lake, which is the principal public drinking water supply for the town of Andover.

(b) This section shall apply within the Bradley Lake watershed above the lake outlet that is located at approximate latitude 43° 25' 00", longitude 71° 49' 22", in the towns of:

- (1) Andover; and
- (2) Salisbury.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the towns of Andover and Salisbury and their duly authorized agents, and the board of water commissioners of the Andover Precinct and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Bradley Lake watershed described in (b) above, shall be as follows:

- (1) A person shall not build, continue or maintain a privy, pig-pen, stable, or other buildings or structures in which horses, cattle, swine, or other animals or fowls are kept within 75 feet of Bradley Lake or within 75 feet of any inlet thereof or tributary thereto;

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(2) A person shall not permit urine, sink water, or water that has been used for washing or cleansing materials, persons, or food to run into said lake or any inlet thereof, or into any cesspool, septic tank, or other excavation or onto the surface of any ground within 75 feet of the high water mark of said lake or any inlet thereof;

(3) A person shall not deposit or throw a dead animal or fish or parts thereof, kitchen waste, garbage, or refuse of any kind, manure, or human wastes into said lake or any inlet thereof, nor shall a person leave or allow such materials to remain within 75 feet of said lake or any inlet thereof;

(4) A person shall not permit the activities or conditions described in (1), (2), and (3) above, within the watershed area tributary to Bradley Lake even though beyond the minimum limit of 75 feet, if the purity of the water thereby shall be deemed by the department to be endangered in accordance with the criteria in Env-Dw 902.04;

(5) A person shall not permit sawdust to be thrown or allowed to fall into said lake or into any inlet thereof;

(6) A person shall not swim or bathe, nor shall a person permit any domestic animals to enter in the waters of said lake south of a line drawn from a point on the easterly shore located at latitude 43° 24' 56.4", longitude 71°49' 33.6" to a point on the island located at latitude 43° 24' 55.8", longitude 71°49' 36.8" to the point on the westerly shore located at latitude 43° 24' 54.8", longitude 71° 49' 38.9", said line being located where power lines cross the lake as of the 2014 effective date of this section; and

(7) A person shall not use seaplanes on said lake.

(h) The Andover Precinct shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Bradley Lake or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

[Source.](#) (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.08 Protection of the Purity of Albany Brook and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Albany Brook, which is the principal drinking water supply for Bartlett Village Precinct.

(b) This section shall apply within the Albany Brook watershed above the dam that is located at approximate latitude 44° 03' 37", longitude 71° 17' 36", in the towns of:

- (1) Bartlett; and
- (2) Albany.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the towns of Bartlett and Albany and their duly authorized agents, and the board of water commissioners of the Bartlett Village Precinct and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

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(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said brook.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Albany Brook watershed described in (b) above, shall be as follows:

(1) A person shall not build, continue or maintain a privy, pig-pen, stable, or other buildings or structures in which horses, cattle, swine, or other animals or fowls are kept within 75 feet of the high water mark of Albany Brook or within 75 feet of any tributary to said brook;

(2) A person shall not allow sink water, urine, or water that has been used for washing or cleansing materials, persons, or food to run into said brook or any tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of the high water mark of said brook or any tributary thereto;

(3) A person shall not throw or deposit into said brook or any tributary thereto, any dead animal or fish or parts thereof, food, perishable or decayable material, manure, human wastes, kitchen waste, swill, or garbage, or leave or allow any such materials to remain within 75 feet of the high water mark of said brook or any tributary thereto;

(4) A person shall not deposit or allow to fall any sawdust, shavings, apple pomace, or waste from mills or factories into said brook or any tributary thereto, or upon their banks so near as to be reachable by high water;

(5) A person shall not bathe in said brook;

(6) A person shall not fish in said brook;

(7) A person shall not allow any of the structures or conditions described in (1), (2), (3), and (4) above, beyond the minimum limit of 75 feet, if the purity of the water thereby shall be deemed by the department in accordance with Env-Dw 902.04 to be endangered; and

(8) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said brook or any tributary thereto, any materials such as are described in (2), (3), and (4) above.

(h) The Bartlett Village precinct shall post a summary of the prohibitions contained in (g) above at public access locations where persons might reasonably be expected to access Albany Brook or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

[Source.](#) (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.09 Protection of the Purity of the Upper Ammonoosuc River Godfrey Dam and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of the Upper Ammonoosuc River, which is a principal drinking water supply for the city of Berlin.

(b) This section shall apply within the Ammonoosuc River watershed above the Godfrey Dam, which is located at approximate latitude 44° 29' 03", longitude 71° 19' 14", in the:

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- (1) City of Berlin;
- (2) Town of Kilkenny; and
- (3) Town of Randolph.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the city of Berlin and the towns of Kilkenny and Randolph and their duly authorized agents, and the board of water commissioners of the city of Berlin and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of the Godfrey Dam impoundment.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Godfrey Dam watershed described in (b) above, shall be as follows:

- (1) A person shall not build, continue, or maintain a privy, pig-pen, stable, or other buildings or structures in which horses, cattle, swine, or other animals or fowls are kept within 75 feet of the high water mark of said reservoir or any inlet thereof or tributary thereto;
- (2) A person shall not allow sink water, urine, or water that has been used for washing or cleansing materials, persons, or food to run into said reservoir or any inlet thereof or tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of the high water mark of said reservoir or any inlet thereof or tributary thereto;
- (3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, human wastes, kitchen waste, swill, or garbage into said reservoir or any inlet thereof or tributary thereto, or leave or allow any such materials to remain within 75 feet of the high water mark of said reservoir or any inlet thereof or tributary thereto;
- (4) A person shall not deposit or allow sawdust, shavings, apple pomace, or waste from mills or factories to fall into said reservoir or into any inlet thereof or tributary thereto, or upon their banks so near as to be reachable by high water;
- (5) A person shall not bathe in said reservoir;
- (6) A person shall not allow structures or conditions described in (1), (2), (3) and (4) above, beyond the minimum limit of 75 feet, if the purity thereby of the water shall be deemed by the department in accordance with Env-Dw 902.04 to be endangered;
- (7) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said reservoir or any inlet thereof or tributary thereto, any waste or materials such as described in (2), (3) and (4) above; and
- (8) A person shall not use seaplanes on said reservoir.

(h) The city of Berlin shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access the upper Ammonoosuc River or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.10 Protection of the Purity of Canaan Street Lake and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Canaan Street Lake, which is the principal drinking water supply for the town of Canaan.

(b) This section shall apply within the Canaan Street Lake watershed above the outlet dam that is located at approximate latitude 43° 40' 33", longitude 72° 02' 35", in the town of Canaan.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officer, the board of health, and the board of water commissioners of the town of Canaan and their duly authorized agents may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Canaan Street Lake watershed described in (b) above shall be as follows:

- (1) A person shall not build, continue, or maintain a building or structure of any kind in which animals or fowl are kept within 75 feet of Canaan Street Lake or within 75 feet of any inlet thereof or tributary thereto;
- (2) A person shall not permit wastes or waters that have been used for washing or cleansing materials, persons, or food, to run into said lake or any inlet thereof or tributary thereto;
- (3) A person shall not throw or deposit any dead animal or fish, or parts thereof, food, perishable or decayable material, manure, or human wastes into said lake or any inlet thereof or tributary thereto, or allow any such materials to remain within 75 feet of said lake or any inlet thereof or tributary thereto;
- (4) A person shall not throw any sawdust or allow any sawdust to fall into said lake or any inlet thereof or tributary thereto;
- (5) A person shall not trespass, boat, bathe, swim, fish, or conduct any activity whatever, whether of recreational, occupational, or other nature, in the waters or on the ice of Canaan Street Lake, south of a line about 1,200 feet northwest of the lake's southern most part, beginning at a point on the westerly shore at the center line of the road which exists adjacent to the present property line between the properties identified on tax map I-D as lots 38B and 39D, and extending across said lake to the stone jetty on the easterly shore on the property identified on tax map I-D as lot 56-1. The 2 extremities of such a line shall be properly marked by the local water works authority so that they can be readily identified and observed by the general public; and

(6) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said lake or any inlet thereof or tributary thereto, any matter, waste, or materials such as are described in (2), (3), and (4) above.

(h) The town of Canaan shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Canaan Street Lake or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.11 Protection of the Purity of Whitewater Brook, Rice Reservoir, and Dole Reservoir and Their Watersheds.

(a) The purpose of this section is to protect the purity of the water of Whitewater Brook and reservoir, Rice Reservoir and watershed, and Dole Reservoir and watershed, which are principal drinking water supplies for the city of Claremont.

(b) This section shall apply within:

(1) The Whitewater Brook watershed above the Whitewater dam, which is located at approximate latitude 43° 25' 24", longitude 72° 18' 42", in the city of Claremont and towns of Cornish and Croydon;

(2) The Rice Reservoir watershed above the Rice dam, which is located at approximate latitude 43° 25' 08", longitude 72° 19' 42", in the city of Claremont; and

(3) The Dole Reservoir watershed above the Dole dam, which is located at approximate latitude 43° 23' 21", longitude 72° 19' 56", in the city of Claremont.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the city of Claremont and the towns of Cornish and Croydon and their duly authorized agents, and the board of water commissioners of the city of Claremont and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said brook and reservoirs.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Whitewater Brook, Rice Reservoir, and Dole Reservoir watersheds described in (b); above shall be as follows:

(1) A person shall not build, continue, or maintain a structure of any kind in which animals or fowl are kept within 75 feet of said brook or reservoirs or any inlet thereof or tributary thereto;

(2) A person shall not allow wastes or waters that have been used for washing or cleansing materials, persons, or food to run into said brook or reservoirs or any inlet thereof or tributary thereto;

(3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, or human wastes into said brook or reservoirs or into any inlet thereof or tributary thereto, or leave or allow such materials to remain on the surface of the ground within 75 feet of said brook or reservoirs or any inlet thereof or tributary thereto;

(4) A person shall not throw any sawdust or allow any sawdust to fall into said brook or reservoirs or any inlet thereof or tributary thereto;

(5) A person shall not trespass, boat, bathe, swim, fish, or carry on any activity whatever, whether of recreational, occupational, or other nature, in the waters or on the ice of Whitewater Brook Reservoir and Intake Reservoir located on Whitewater Brook; and

(6) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said brook or reservoirs or any inlet thereof or tributary thereto, any matter, waste or materials such as are described in (2), (3), and (4) above.

(h) The city of Claremont shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Whitewater Brook, Rice Reservoir, or Dole Reservoir or their watersheds or tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.12 Protection of the Purity of Penacook Lake and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Penacook Lake, which is a principal drinking water supply for the city of Concord.

(b) This section shall apply within the Penacook Lake watershed above the outlet dam that is at approximately latitude 43° 14' 36", longitude 71° 34' 41", in the city of Concord.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officer, the board of health, and the board of water commissioners of the city of Concord and their duly authorized agents may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the city of Concord or board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Penacook Pond watershed described in (b) above shall be as follows:



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- (1) A person shall not build, continue, or maintain any cesspool, privy, or other place for the reception, deposit, or storage of human excrement, any urinal or water-closet not discharging into a sewer, any pig-pen, stable, or other building or structure in which horses, cattle, swine, other animals, or fowls are kept within 200 feet of the high water mark of Penacook Lake, meaning to include that part of the lake sometimes called Forge Pond, or any inlet thereof or tributary thereto except upon the approval of the department in accordance with Env-Dw 902.05;
- (2) A person shall not locate, construct, build, or maintain any stable, building, or other place as above enumerated within 200 feet of the high water mark of Penacook Lake or any open water flowing as aforesaid into said lake unless suitable or adequate provisions is made to prevent manure or other polluting matter from flowing or being washed into said lake or such open water;
- (3) A person shall not run sink drainage, urine, or water that has been used for washing or cleansing persons or materials into said lake or any inlet thereof or tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 200 feet of any tributary thereto;
- (4) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, human wastes, kitchen waste, swill, or garbage into said lake or any inlet thereof or tributary thereto, or leave or allow any such materials to remain within 200 feet of the high water mark of said lake or any inlet thereof or tributary thereto;
- (5) A person shall not allow any human excrement to be kept in, deposited, or discharged into any cesspool, privy, or other receptacle situated within 200 feet of the high water mark of said lake or any open waters which flow directly or ultimately into said lake;
- (6) A person shall not throw sawdust, or allow sawdust to fall into said lake or any inlet thereof or tributary thereto;
- (7) A person shall not bathe or swim in said lake, nor shall any person build, continue, or maintain any swimming pool, or other contrivance of any nature for public or private bathing whose waters do not discharge into a sewer or cesspool constructed as approved or required by the board of health of the city of Concord, within 200 feet of the high water mark of said lake;
- (8) A person shall not throw, or allow to remain upon the ice of the water of said lake or any inlet thereof or tributary thereto, any matter, waste, or materials described in (3), (4), (5), and (6); above;
- (9) A person shall not drive, guide, or speed any cattle, horses, or other animals used for teaming, driving, or speeding upon the ice of said lake;
- (10) A person shall not construct or maintain a system of sewers or other works for the collection, conveyance, disposal, or purification of sewage or drainage, or any other putrescible matter whatsoever, except in accordance with plans first approved in writing by the department pursuant to RSA 485-A, at any place within the drainage area of said lake. A person shall not construct or maintain any private or separate sewer having an outlet upon or into the ground within 200 feet of the high water mark of any reservoir, lake, pond, stream, ditch, watercourse, or other open waters, the water of which flows or drains into said lake;
- (11) A person shall not locate or construct a public or private hospital, or other place intended for the reception or treatment of the sick, at any place within the drainage area of said lake, until the location or construction thereof has been approved in writing by the department in accordance with Env-Dw 902.05;

(12) A person shall not permit any sewage, garbage, manure, or putrescent matter, whatsoever, in any place or locality from which the seepage, drainage, or runoff may endanger the purity of the water of the said lake or its tributaries; and

(13) A person shall not permit the condition or practice of whatever kind that may endanger the purity of the waters of said lake or its tributaries.

(h) The city of Concord shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Penacook Lake or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.13 Protection of the Purity of Whittle Brook and Goffstown Reservoir and Their Watershed.

(a) The purpose of this section is to protect the purity of the water of Whittle Brook and Goffstown Reservoir, which constitute the principal drinking water supply for the Goffstown Village Precinct.

(b) This section shall apply within the Whittle Brook watershed above the dam that is located at approximate latitude 42° 59' 47", longitude 71° 35' 44", in the town of Goffstown.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officer and the board of health of the town of Goffstown and their duly authorized agents, and the board of water commissioners of the Goffstown Village Precinct and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said brook and reservoir.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Whittle Brook and Goffstown Reservoir watershed described in (b) above, shall be as follows:

(1) A person shall not build, continue, or maintain any privy, pig-pen, stable, or other building or structures in which horses, cattle, swine, or other animals or fowls are kept within 75 feet of the high water mark of said brook or reservoir or any inlet thereof or tributary thereto;

(2) A person shall not run sink water, urine, or water that has been used for washing or cleansing materials, persons, or food, into said brook or reservoir or any inlet thereof or tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of the high water mark of said brook or reservoir or any inlet thereof or tributary thereto;

(3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, human wastes, kitchen waste, swill, or garbage into said brook or reservoir or any inlet thereof or tributary thereto, or leave or allow any such materials to remain

within 75 feet of the high water mark of said brook or reservoir or any inlet thereof or tributary thereto;

(4) A person shall not deposit or allow to fall into said brook or reservoir or any inlet thereof or tributary thereto, or upon their banks so near as to be reachable by high water, any sawdust, shavings, apple pomace, or waste from mills or factories;

(5) A person shall not bathe in said brook or reservoir;

(6) A person shall not fish on said brook or reservoir;

(7) A person shall not allow any of the structures or conditions described in (2), (3), and (4) above, beyond the minimum limit of 75 feet, if the purity of the water shall thereby be deemed by the department in accordance with Env-Dw 902.04 to be endangered;

(8) A person shall not allow any matter, waste, or materials such as are described in (2), (3), and (4) above to be thrown, deposited, or allowed to remain upon the ice of the waters of said brook or reservoir or any inlet thereof or tributary thereto; and

(9) A person shall not use a seaplane on said brook or reservoir.

(h) The Goffstown Village Precinct shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Whittle brook or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

[Source.](#) (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.14 Protection of the Purity of Tobey Reservoir and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of the Tobey Reservoir, which is the principal drinking water supply for the town of Greenville.

(b) This section shall apply within the Tobey Reservoir watershed above the dam located at approximate latitude 42° 48' 08", longitude 71° 50' 13", in the towns of:

(1) New Ipswich; and

(2) Temple.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the towns of New Ipswich and Temple and their duly authorized agents, and the board of water commissioners of the town of Greenville and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said reservoir

nor shall said restrictions apply to employees of New Hampshire's fish and game department engaged in the removal of stock fish from the reservoir under conditions approved by that agency.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Tobey Reservoir watershed described in (b) above, shall be as follows:

(1) A person shall not build, continue, or maintain any structure of any kind in which animals or fowls are kept within 75 feet of Tobey Reservoir or any inlet thereof or tributary thereto, except in such cases as the local board of health may allow and upon the approval of the department in accordance with Env-Dw 902.05, and under such rules as it may require;

(2) A person shall not discharge sewage or other waste as defined in RSA 485-A:2, X, treated or otherwise, into said reservoir or any inlet thereof or tributary thereto;

(3) A person shall not throw or deposit dead animals or fish or parts thereof, food, perishable or decayable material, manure, or human wastes into said reservoir or any inlet thereof or tributary thereto, or leave or allow any such materials to remain on the surface of the ground within 75 feet of said reservoir or any inlet thereof or tributary thereto;

(4) A person shall be prohibited from all activity, including swimming, bathing, and boating, whether of recreational, occupational, or other nature, in or on the waters of said reservoir and its tributaries;

(5) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said reservoir or upon the ice of any inlet thereof or tributary thereto, any sewage or other waste as defined in RSA 485-A:2; and

(6) A person shall not use a seaplane on any portion of the said reservoir.

(h) The town of Greenville shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access the Tobey Reservoir or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.15 Protection of the Purity of Camp Brook Including the Upper and Lower Hanover Reservoirs and Hanover Center Reservoir and Their Watersheds.

(a) The purpose of this section is to protect the purity of the water of Camp Brook, the Upper and Lower Hanover Reservoir and Hanover Center Reservoir, which constitute the principal drinking water supply for the town of Hanover.

(b) This section shall apply within:

(1) The Camp Brook watershed above the dam that is located at approximate latitude 43° 43' 11", longitude 72° 14' 57", in the town of Hanover; and

(2) The Hanover Center watershed above the dam that is located at approximate latitude 43° 42' 53", longitude 72° 14' 15", in the town of Hanover.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

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(d) In accordance with RSA 485:24, the health officer and the board of health of the town of Hanover and their duly authorized agents may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to members of the board of selectmen engaged in the performance of necessary duties for the protection and control of said brook and reservoirs.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Camp Brook, Upper and Lower Hanover Reservoirs, and Hanover Center Reservoir watersheds described in (b) above, shall be as follows:

(1) A person shall not build, continue, or maintain any building or structure of any kind in which animals or fowls are kept, within 75 feet of Camp Brook, the Upper and Lower Hanover Reservoirs, and the Hanover Center Reservoir in the town of Hanover or within 75 feet of any inlet thereto, or within 75 feet of any tributary to said brook or reservoirs;

(2) A person shall not run any sewage, wastes, or waters that have been used for washing or cleansing materials, persons, or food into said reservoirs or brook or any inlet thereof or tributary thereto;

(3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, or human wastes into said reservoirs or brook or any inlet thereof or tributary thereto, or leave or allow any such materials to remain on the surface of ground within 75 feet of said reservoirs or brook or any inlet thereof or tributary thereto;

(4) A person shall not throw any sawdust or allow any sawdust to fall, into said reservoirs or brook or any inlet thereof or tributary thereto;

(5) A person shall not boat, bathe, swim, fish, or conduct on any activity of a recreational, occupational, or other nature, in the waters or on the ice of Camp Brook, the Upper and Lower Hanover Reservoirs, or the Hanover Center Reservoir, or tributaries thereto; and

(6) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said reservoirs or brook or any inlet thereof or tributary thereto upstream of the water works intake, any matter, waste, or materials such as are described in (2), (3), and (4) above.

(h) The town of Hanover shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Camp Brook, the Upper and Lower Hanover Reservoirs, and the Hanover Center Reservoir or their tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.16 Protection of the Purity of Loon Lake and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Loon Lake, which is the principal drinking water supply for the town of Hillsborough.

(b) This section shall apply within the Loon Lake watershed above the dam that is located at approximate latitude 43° 09' 07", longitude 71° 56' 39", in the town of Hillsborough.

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(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officer, the board of health, and the board of water commissioners of the town of Hillsborough and their duly authorized agents may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Loon Lake watershed described in (b); above, shall be as follows:

(1) A person shall not build, continue, or maintain any privy, pig-pen, stable, or other building or structure in which horses, cattle, swine, or other animals or fowls are kept within 75 feet of the high water mark of Loon Lake or any inlet thereto or tributary thereof;

(2) A person shall not run any sink water, urine, or water that has been used for washing or cleansing materials, persons, or food, into said lake or any inlet thereof or tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of the high water mark of said lake or any inlet thereof or tributary thereto;

(3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, human wastes, kitchen waste, swill, or garbage into said lake or any inlet thereof or tributary thereto, or leave or allow any such materials to remain on the ground surface within 75 feet of the high water mark of said lake or any inlet thereof or tributary thereto;

(4) A person shall not bathe in Loon Lake within 1/4 mile of the point where water is taken for public supply, or elsewhere in said lake, provided notice to that effect is issued by the board of water commissioners or the board of health;

(5) A person shall not deposit any sewage on the surface of the ground, allow any cesspool or privy vault to overflow, or allow any of the things, materials, or conditions mentioned in (1)-(4) above, nor anything else that might endanger the purity of said water supply, whatever may be their distance from said lake, in such locality or manner as in the opinion of the board of health or of the board of water commissioners, would be liable to contaminate the water of the said lake, in accordance with Env-Dw 902.04; and

(6) A person shall not use a seaplane on Loon Lake.

(h) The town of Hillsborough shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Loon Lake or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.17 Protection of the Purity of Bear Pond and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Bear Pond, which is the principal drinking water supply for the Contoocook Village Precinct in the town of Hopkinton.

(b) This section shall apply within the Bear Pond watershed above the dam that is located at approximate latitude 43° 13' 52", longitude 71° 48' 02", in the town of Warner.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officer and the board of health of the town of Warner and their duly authorized agents, and the board of water commissioners of the Contoocook Village Precinct and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said pond.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Bear Pond watershed described in (b) above, shall be as follows:

(1) A person shall not build, continue, or maintain any building or structure of any kind in which animals or fowl are kept within 75 feet of Bear Pond or within 75 feet of any inlet thereof or tributary thereto;

(2) A person shall not permit any wastes or water that has been used for washing or cleansing materials, persons, food, to run into said pond or any inlet thereof or tributary thereto;

(3) A person shall not throw into or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, or human wastes in said pond or any inlet thereof or tributary thereto, or leave or allow any such materials to remain on the surface of the ground within 75 feet of said pond or any inlet thereof or tributary thereto;

(4) A person shall not throw any sawdust, or allow any sawdust to fall, into said pond or any inlet thereof or tributary thereto;

(5) A person shall not trespass, bathe, boat, fish, or conduct any activity whatever, whether of a recreational, occupational, or other nature, in or on the water of Bear Pond or any inlet thereof or tributary thereto;

(6) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said pond or of any inlet thereof or tributary thereto, any matter, waste, or materials such as are described in (2), (3), and (4) above; and

(7) A person shall not use a seaplane on Bear Pond.



(h) The Contoocook Village Precinct shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Bear Pond or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902)  
#10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.18 Protection of the Purity of Woodward Pond, Roaring Brook, Babbidge Reservoir and Their Watershed.

(a) The purpose of this section is to protect the purity of the water of Woodward Pond, Roaring Brook, and Babbidge Reservoir, which constitute the principal drinking water supply for the city of Keene.

(b) This section shall apply within the Woodward Pond, Roaring Brook, and Babbidge Reservoir watershed above the dam that is located at approximate latitude 42° 56' 02", longitude 72° 13' 15", in the towns of:

- (1) Harrisville;
- (2) Marlborough;
- (3) Nelson; and
- (4) Roxbury.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the towns of Harrisville, Marlborough, Nelson, and Roxbury and their duly authorized agents, and the city council of the city of Keene and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the city of Keene engaged in the performance of necessary duties for the protection and control of said waters.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Woodward Pond, Roaring Brook, and Babbidge Reservoir watershed described in (b) above, shall be as follows:

- (1) A person shall not build, continue, or maintain any buildings or structures of any kind in which humans reside or in which animals or fowl are kept within 75 feet of the high water mark of Woodward Pond, Roaring Brook, or Babbidge Reservoir or any inlet thereof or tributary thereto;
- (2) A person shall not allow any wastes or water that has been used for washing or cleansing of materials, persons, or food to run into said pond, brook, or reservoir or any inlet thereof or tributary thereto;
- (3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, or human wastes into said pond, brook, or reservoir or any inlet



thereof or tributary thereto, or leave or allow any such materials to remain on the surface of the ground where there is any likelihood of wash or contamination therefrom reaching said pond, brook or reservoir or any inlet thereof or tributary thereto;

(4) A person shall not throw any sawdust, or allow any sawdust to fall, into said pond, brook, or reservoir or any inlet thereof or tributary thereto;

(5) A person shall not boat, bathe, swim, trap, fish, hunt, camp, park trailers, or carry on any activity of a recreational or other nature, including but not limited to lumber operations, in or near the waters of said pond, brook, or reservoir and above the reservoir dams, any tributary thereto; and

(6) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said pond, brook, or reservoir or any inlet thereof or tributary thereto, any matter, waste, or materials such as are described in (2), (3), and (4) above.

(h) The city of Keene shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Woodward Pond, Roaring Brook, Babbidge Reservoir and their tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.19 Protection of the Purity of Lake Winnepesaukee and Paugus Bay.

(a) The purpose of this section is to protect the purity of the water of Lake Winnepesaukee and Paugus Bay, which constitute the principal drinking water supply for the city of Laconia.

(b) This section shall apply as specified in (g) and (h), below.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officer, the board of health, and the board of water commissioners of the city of Laconia and their duly authorized agents as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake or bay.

(g) A person shall not discharge any sewage, industrial waste, or other wastes, as defined in RSA 485-A:2, into the waters, upon the ice, or upon the shores of Lake Winnepesaukee or Paugus Bay except by written permission of the department pursuant to RSA 485-A and then only in accordance with such terms and conditions as may be prescribed by the department.

(h) The prohibitions specified in (i) below shall apply within the area of Paugus Bay starting at a point on the eastern shore of Paugus Bay, where the northern point of the property identified on tax map 349, street/block 220, lot 1 abuts the southerly end of the property identified on tax map 346, street/block 220, lot 1, specifically where the granite post resides in Paugus Bay; thence running in a westerly direction toward a

bound on the westerly side of Paugus Bay at a point where the State of New Hampshire railroad bridge meets the shore identified on tax map 345, street/block 195, lot 39; thence running northerly along the shore to a point on the westerly side of Paugus Bay known as Cass' Point, identified on tax map 328, street/block 6, lot 22, specifically, where the 4-foot x 8-foot sign, installed by the Laconia water works, reads: "RESTRICTED AREA - WATER SUPPLY", thence running in an easterly direction in an imaginary line across Paugus Bay to a point where the southerly end of the property identified on tax map 324, street/block 220, lot 3 abuts the northern point of the property identified on tax map 324, street/block 220, lot 2, marked by a rebar in the water; then running in a southerly direction along the shore of Paugus Bay to the point of beginning.

(i) Within the area described in (h) above, a person shall not:

- (1) Wash boats, bathe, swim, water ski, or have any body contact with the water;
- (2) Construct any docking facilities for boats or buildings along the shore, except with a specific permit of the Laconia water works and appropriate state agencies; or
- (3) Fish from a bob house located upon the ice of Paugus Bay.

(j) The area described in (h) above, shall be used for navigational purposes only.

(k) The city of Laconia shall post a summary of the prohibitions contained in (g), (i), and (j) above, at all locations where persons might reasonably be expected to access Paugus Bay or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.20 Protection of the Purity of Garland Brook and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Garland Brook, which is the principal drinking water supply for the town of Lancaster.

(b) This section shall apply within the Garland Brook watershed above the dam that is located at approximate latitude 44° 28' 6 ", longitude 71° 27' 47", in the towns of:

- (1) Jefferson;
- (2) Kilkenney; and
- (3) Lancaster.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers of the towns of Jefferson, Kilkenney, and Lancaster and their duly authorized agents, and the board of water commissioners of the town of Lancaster and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said stream.

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(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Garland Brook watershed described in (b) above, shall be as follows:

(1) A person shall not build, continue, or maintain any privy, pig-pen, stable, or other building or structures in which horses, cattle, swine, or other animals or fowls are kept within 75 feet of the high water mark of said brook or any inlet thereof or tributary thereto;

(2) A person shall not run any sink water, urine, or water that has been used for washing or cleansing materials, persons, or food into said brook or any inlet thereof or tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of the high water mark of said brook or any inlet thereof or tributary thereto;

(3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, human wastes, kitchen waste, swill, or garbage into said brook or any inlet thereof or tributary thereto, or leave or allow any such materials to remain within 75 feet of the high water mark of said brook or any inlet thereof or tributary thereto;

(4) A person shall not deposit any sawdust, shavings, apple pomace, or waste from mills or factories, or allow any such wastes to fall into, said brook or any inlet thereof or tributary thereto, or upon their banks so near as to be reachable by the high water level;

(5) A person shall not bathe in said brook;

(6) A person shall not fish on or in said brook;

(7) A person shall not permit any of the structures or conditions described in (1), (2), (3), and (4) above, beyond the minimum limit of 75 feet, if the purity of the water thereby shall be deemed by the department in accordance with Env-Dw 902.04 to be endangered;

(8) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said brook or any inlet thereof or tributary thereto, any matter, waste, or materials such as are described in (2), (3), and (4); above; and

(9) A person shall not use any seaplanes on the Garland Brook watershed.

(h) The town of Lancaster shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Garland Brook or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.21 Protection of the Purity of the Water of the North Branch of the Gale River.

(a) The purpose of this section is to protect the purity of the water of the North Branch of the Gale River, the principal drinking water supply for the town of Littleton and a portion of the town of Bethlehem.

(b) This section shall apply within the North Branch of the Gale River watershed above the North Branch dam, which is located at approximate latitude 44° 14' 17", longitude 71° 37' 13", in the town of Bethlehem.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

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(d) Land within the North Branch of the Gale River watershed which is within the U.S. National Forest system shall be subject to the terms of the “Memorandum of Understanding” originally dated May 6, 1993 entered into by the U.S. Department of Agriculture, Forest Service, and Littleton Water and Light.

(e) In addition to any prohibitions adopted by local ordinance, the prohibitions and restrictions for the North Branch of the Gale River watershed shall be as follows:

- (1) A person shall not place, leave, or cause to be placed or left, in or within 200 feet of the North Branch of the Gale River or adjacent wetlands, any substance or fluid that may cause the water thereof to become impure or unfit for domestic supply;
- (2) A person shall not deposit any human waste or manure or other animal waste on the water, ice, or land adjacent to the North Branch of the Gale River or adjacent wetlands;
- (3) A person shall not swim, wade, or engage in similar water contact activities above the intake of the North Branch of the Gale River on land owned by the town of Littleton;
- (4) A person shall not leave any garbage, refuse, or trash of any kind brought from home, camp, or place of business on town-owned property within the area described in (b) above;
- (5) A person shall not break bottles or deposit any refuse or wastes of any description into the North Branch of the Gale River or adjacent wetlands;
- (6) A person shall kindle or maintain only charcoal fires or portable propane grills within 75 feet of the Gale River or adjacent wetlands;
- (7) A person shall keep dogs and other pets on a leash while adjacent to the shoreline, shall not leave pets unattended, and shall not permit pets in the water within the area described in (b) above;
- (8) A person shall not ride horseback along the shoreline within the area described in (b) above;
- (9) Within the area described in (b); above, a person shall park motor vehicles only in designated parking areas; and
- (10) A person shall not use highway motor vehicles on the waters or ice of the North Branch of the Gale River or adjacent wetlands.

(f) A complete set of the North Branch of the Gale River or adjacent wetland rules shall be available and on file at the Littleton Water and Light office in Littleton.

[Source.](#) (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.22 RESERVED

[Source.](#) (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14

Env-Dw 902.23 Protection of the Purity of the Water of Lake Massabesic and Its Tributaries.

(a) The purpose of this section is to protect the purity of the water of Lake Massabesic, which is the principal drinking water supply for the city of Manchester and portions of the towns of:

- (1) Atkinson
- (2) Auburn;

- (3) Bedford;
- (4) Derry;
- (5) Goffstown;
- (6) Hampstead;
- (7) Hooksett;
- (8) Litchfield;
- (9) Londonderry;
- (10) Manchester;
- (11) Plaistow;
- (12) Salem; and
- (13) Windham.

(b) This section shall apply within the Lake Massabesic watershed which lies above the Massabesic dam, located at approximate latitude 42° 57' 48", longitude 71° 23' 43, in the following municipalities:

- (1) Auburn;
- (2) Candia;
- (3) Chester;
- (4) Hooksett; and
- (5) Manchester.

(c) The following terms as used in this section shall be defined as follows:

- (1) "Board of water commissioners" means the governing body of the Manchester water works;
- (2) "Motor vehicle" means "motor vehicle" as defined in RSA 259:60;
- (3) "Off highway recreational vehicle (OHRV)" means "off highway recreational vehicle", as defined in RSA 215-A:1, VI;
- (4) "Person" means "person" as defined in RSA 485-A:2, IX; and
- (5) "Snowmobile" means "snowmobile" as defined in RSA 215-A:1, XIII.

(d) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

(e) In accordance with RSA 485:24, the health officers and the boards of health of the city of Manchester and the towns of Auburn, Candia, Chester, and Hooksett and their duly authorized agents, and the board of water commissioners and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

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(f) Under RSA 485:24, II, the board of water commissioners and its representatives may enter at reasonable times any land or property within the Lake Massabesic watershed for the purpose of investigating watershed sanitation and other sources of potential water contamination.

(g) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(h) Waivers and exemptions to this section shall apply as follows:

(1) Any person may request from the department a waiver from the provisions of this section in accordance with Env-Dw 902.05; and

(2) Employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of Lake Massabesic, its tributaries, and its watershed shall be exempt from the provisions of this section.

(i) The Manchester Water Works shall post a summary of the information contained in (d) above, and the prohibitions and restrictions contained in (l), (m), (o) through (q), (s), and (t), below, in locations where persons might reasonably be expected to access Manchester Water Works' property or Lake Massabesic or its tributaries. The posted summary may also contain any other prohibitions contained in this section and any prohibitions or restrictions enacted by local ordinance.

(j) Within 200 feet of Lake Massabesic or any pond, reservoir, or stream tributary thereto, a person shall not build any privy, pigpen, stable, or other buildings or structures in which horses, cattle, swine, or other animals or fowl are kept.

(k) Within 200 feet of Lake Massabesic or Tower Hill Pond, the following provisions shall apply:

(1) A person shall not build any privy, toilet, sink drain, or subsurface septic disposal system or allow any discharges therefrom, except as provided by (2), below;

(2) Existing properly functioning septic systems may remain in place; and

(3) If failure of an existing septic system occurs, the owner shall repair or replace said system in accordance with Env-Wq 1003.10.

(l) With the exception of operating an outboard motor, on or within 200 feet of the waters or ice of Lake Massabesic or any pond, reservoir, or stream tributary thereto, a person shall not:

(1) Deposit any dead animal or parts thereof, food, perishable or decayable material, kitchen waste, swill, garbage, or human waste;

(2) Deposit any hazardous waste, as defined in RSA 147-A:2, VII, such as solid, semi-solid, liquid, or contained gaseous waste, or any combination of wastes which possess a threat to human health or the environment;

(3) Deposit solid waste such as refuse, appliances, auto parts, tires, tree stumps, or similar waste; or

(4) Deposit manure, fertilizer, or chemical waste such as gasoline, paint, or similar waste.

(m) On or within the water or ice of Lake Massabesic or any pond, reservoir, or stream tributary thereto the following prohibitions and restrictions shall apply:

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- (1) A person shall not bathe, wade, swim, water ski, or perform any similar water contact activity;
  - (2) A person shall not use a sunfish, sailfish, sail board, ski craft as defined in RSA 270:73, V, or other craft which in the judgment of the board of water commissioners or its representatives makes extensive bodily contact with the water unavoidable;
  - (3) A person shall not discharge from or off a vessel, cruiser, boat, houseboat, wharf, or from a structure of any kind or any tank or receptacle thereon or therein contained, any excrement, urine, or waste;
  - (4) All boats or structures of any kind that are equipped with toilet, lavatory, or other sewage or waste producing fixtures shall be provided with water-tight tanks or receptacles for the reception and temporary storage of such wastes;
  - (5) The aforementioned tanks or receptacles shall be maintained as required in RSA 487:2 and the contents thereof shall be disposed of in a municipal sewage system or to any adequate sewage disposal system on shore;
  - (6) A person shall not tie, beach, or ground an occupied vessel, cruiser, boat, houseboat, bob-house, or structure of any kind to the water or ice, or tie to the shore for an overnight period or any part of an overnight period, except as permitted by Manchester Water Works pursuant to (t)(4) or (t)(5), below;
  - (7) An unoccupied vessel, cruiser, boat, houseboat, or structure of any kind may be anchored or grounded to said waters or ice only by permission of the board of water commissioners pursuant to (t)(4) or (t)(5), below or land owner, lessee, or person otherwise in control of such location;
  - (8) A person shall not cut or take ice therefrom except by permission and under the direction of the board of water commissioners as provided for in RSA 485:54; and
  - (9) A person shall not use any aircraft.
- (n) In the Lake Massabesic watershed, the following prohibitions or restrictions shall apply:
- (1) A person shall conduct all pesticide applications in strict accordance with the rules of the New Hampshire pesticide control board adopted pursuant to RSA 430;
  - (2) A person shall conduct all forestry or timber harvesting activities in strict accordance with state of New Hampshire laws including RSA 227-J and in consultation with the Manchester Water Works forester, and
  - (3) A person shall handle any agricultural compost, chemical fertilizer, or manure, as defined in RSA 431:33, in accordance with best management practices published by the New Hampshire department of agriculture, markets, and food in accordance with RSA 431:34.
- (o) In or on Manchester Water Works' property or the waters or ice of Lake Massabesic or any pond, reservoir, or stream tributary thereto, the following prohibitions or restrictions shall apply:
- (1) A person shall not operate an all-terrain vehicle or other OHRV other than a snowmobile, and then only in non-restricted areas at the operator's own risk; and
  - (2) A person shall not break bottles or throw trash of any description.
- (p) The following areas shall be closed to all human activity:

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- (1) The Back or West Pond of Lake Massabesic north and west of the following described line beginning at Fire Point, then due west to the Hillsborough-Rockingham county line, then southerly by the said line, crossing Birch Island to the mainland as marked by floats and signs; and
  - (2) The outlet of Lake Massabesic from the outlet dam downstream to and including Mill Pond at Island Pond Road and the canal carrying the water to the pumping station.
- (q) On Manchester Water Works' property the following prohibitions and restrictions shall apply:
- (1) A person shall not enter upon or remain between the hours of 8:00 p.m. and 8:00 a.m.;
  - (2) A person shall not place in or adjacent to Manchester Water Works' waste containers any garbage, refuse, or trash of any kind brought from home, camp, or place of business;
  - (3) A person shall only use self-contained charcoal type fires, as opposed to open flame fires and then only in the designated public picnic area adjacent to the Route 28 Bypass;
  - (4) Any vehicle obstructing an emergency access gate shall be subject to towing at owner's expense;
  - (5) A person shall not enter restricted areas that have been posted "NO TRESPASSING"; and
  - (6) A person shall obey in matters governed by this section, all lawful requests made by representatives of the board of water commissioners.
- (r) Within 300 feet of the waters or ice of Lake Massabesic or any pond, reservoir, or stream tributary thereto, a person shall not allow the following as they relate to new or modified construction other than repair or replacement in kind:
- (1) Store liquid petroleum products, except for normal residential use and heating fuels for on-premise use;
  - (2) Store road salt or de-icing chemicals, except for incidental residential use;
  - (3) Service, wash, or repair boats or motor vehicles, except for emergency repairs;
  - (4) Operate a junk yard as defined in RSA 236:112, I, or a machinery junk yard as defined in RSA 236:112, III;
  - (5) Render impervious more than 10 percent of any lot or 2500 square feet on any one lot, whichever is greater;
  - (6) Allow or cause to be discharged to the surface or to groundwater any stormwater that has not been treated by permanent methods for protecting water quality described in the rules adopted to implement RSA 485-A:17;
  - (7) Store fertilizers, manure, or compost except in compliance with best management practices as determined by the department of agriculture, markets and food; or
  - (8) Store herbicides or pesticides in areas not protected from the elements by a roof except where subject to rules adopted by the department of agriculture, markets and food, division of pesticide control.



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(s) In or on property owned by Manchester Water Works or the water or ice of Lake Massabesic the following prohibitions or restrictions shall apply:

- (1) A person shall not tent or camp or use overnight trailers, campers, or houseboats;
- (2) The following provisions shall apply to dogs and other pets:
  - a. A person shall control by leash all such pets;
  - b. A person shall not leave such pets unattended;
  - c. A person shall not permit such pets in the water or on the beach; and
  - d. Pet owners shall be required to pick up and properly dispose of their pets' waste;
- (3) A person shall not remove, damage, or deface any structure, sign, plant, tree, or natural feature; and
- (4) A person shall not feed ducks, geese, seagulls, or other waterfowl.

(t) In or on the water or ice of Lake Massabesic the following prohibitions or restrictions shall apply:

- (1) A person shall not operate a motor vehicle other than a snowmobile;
- (2) A person shall not race power boats or snowmobiles;
- (3) A person shall not operate any power boat or snowmobile at a rate of speed in excess of 35 miles per hour;
- (4) A person shall not place moorings without a mooring permit issued by the Manchester Water Works;
- (5) A person shall not place a dock in Lake Massabesic without a dock permit issued by the department and Manchester Water Works; and
- (6) The following provisions shall apply to boats and trailers:
  - a. A person shall not allow a boat to remain moored after November 30<sup>th</sup> of each year;
  - b. Manchester Water Works may remove any boat moored after November 30<sup>th</sup> of each year at the owner's expense;
  - c. A person shall remove and properly dispose of all milfoil or other exotic aquatic plants from a boat, canoe, kayak, trailer or watercraft motor before launching and after removing from the water; and
  - d. A person shall not enter areas marked "Restricted Use Area" so designated in cooperation with the department pursuant to RSA 487:17, II(d) to avoid the spread of invasive aquatic vegetation.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.24 Protection of the Purity of the Water of Lake Waukewan and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Lake Waukewan, which is the principal drinking water supply for the town of Meredith.

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(b) This rule shall apply within the Lake Waukewan watershed above the Lake Waukewan dam, which is located at approximate latitude 43° 39' 26", longitude 71° 30' 02", in the towns of:

- (1) Ashland;
- (2) Center Harbor;
- (3) Holderness;
- (4) Meredith; and
- (5) New Hampton.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the towns of Ashland, Center Harbor, Holderness, Meredith, and New Hampton and their duly authorized agents, and the board of selectmen of the town of Meredith and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the town of Meredith engaged in the performance of necessary duties for the protection and control of said lake.

(g) Grandfathering of existing land uses shall be subject to the following:

- (1) Existing uses as of June 14, 1993 may be continued by the landowner, subject to any other rules which may limit the continuance of an existing use;
- (2) If a change in use, including but not limited to a change from seasonal to year round use of property or structures, higher intensity of use of campsites, or the addition of domestic farm animals, occurs or expansion of an existing use is proposed, the rule requirements shall be met;
- (3) Discontinuance of a grandfathered use for 2 consecutive years shall result in termination of any and all grandfathered rights; and
- (4) The intent of these rules, to improve and maintain protection of Lake Waukewan, shall be considered at all times.

(h) In addition to any prohibitions adopted by local ordinance, the prohibitions and restrictions that apply in the Lake Waukewan watershed described in (b) above, shall be as follows:

- (1) A person shall not build or maintain any pigpen, stable, or other building or structure in which horses, cattle, swine, or other animals or fowl are kept within 200 feet of Lake Waukewan or adjacent wetlands;
- (2) A person shall not build or maintain any privy, toilet, sink drain, or subsurface septic disposal system or discharges therefrom, within 125 feet of Lake Waukewan. Existing properly functioning septic systems within 125 feet of the shoreline may remain in place. If failure occurs, the repair or replacement system shall be in accordance with Env-Wq 1003.10;

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- (3) A person shall not deposit any dead animals or parts thereof, food, perishable or decayable material, kitchen waste, swill, garbage, manure, or human wastes into or upon said water or ice, or place any such materials in, upon, or within 200 feet of the waters or ice of Lake Waukewan or adjacent wetlands;
- (4) A person shall prepare and follow an animal waste management plan to be approved by the Belknap County Conservation District if any one property within 200 feet of Lake Waukewan or adjacent wetlands has more than 5 adult livestock, 10 immature livestock, or 50 poultry;
- (5) A person shall not place any hazardous waste, as defined in RSA 147-A, VII, such as solid, semi-solid, liquid, or contained gaseous waste, or any combination of wastes which pose a threat to human health or the environment in or within 200 feet of the water or ice of Lake Waukewan or adjacent wetlands. State of New Hampshire hazardous waste laws shall be strictly enforced;
- (6) A person shall not place any solid waste, as defined in RSA 149-M:4, XXII, in, upon, or within 200 feet of the water or ice of Lake Waukewan or any adjacent wetlands;
- (7) A person shall not place any chemical waste, such as, but not limited to gasoline, paint, fertilizer or similar waste in, upon, or within 200 feet of the water or ice of Lake Waukewan or adjacent wetlands;
- (8) A person shall conduct all pesticide applications made on land areas which contribute surface water runoff either directly to Lake Waukewan or indirectly by running into adjacent wetlands, in strict accordance with the rules of the New Hampshire pesticide control board adopted pursuant to RSA 430;
- (9) A person shall not apply fertilizer, manure, or compost on land areas which contribute surface water runoff either directly or ultimately to Lake Waukewan or adjacent wetlands, other than in strict conformance with Manual of Best Management Practices for Agriculture in New Hampshire, revised July 2017, available at <https://www.agriculture.nh.gov/publications-forms/documents/bmp-manual.pdf>, as noted in Appendix B;
- (10) A person shall perform all forestry or timber harvesting activities conducted within the Lake Waukewan watershed in strict compliance with state of New Hampshire rules adopted under RSA 227-J;
- (11) A person shall not wade, swim, water ski or perform any similar water contact activities, within 400 feet of the intake of the Meredith water department;
- (12) A person shall not discharge from a vessel, cruiser, boat, houseboat, wharf, or a structure of any kind, whether on or in the water or on the ice, or any tank or receptacle thereon or therein contained, any excrement, urine, or any waste, nor shall any such waste be left in, on, or within 200 feet of the waters or ice of Lake Waukewan or adjacent wetlands. All boats or structures of any kind used on the water or on the ice that are equipped with toilet, lavatory, or other waste fixtures shall be provided with water-tight tanks for the temporary storage of such wastes. The aforementioned tanks shall be maintained as required by RSA 487 and the contents thereof shall be disposed of into a municipal sewerage system or any approved sewage disposal system on shore;
- (13) A person shall not moor, anchor, or otherwise secure any occupied vessel, cruiser, boat, or houseboat of any kind on or to the water or ice, or tied to the shore of Lake Waukewan or adjacent wetlands for an overnight period or any part of an overnight period;

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(14) A person, firm, or corporation shall not cut and take ice from Lake Waukewan or adjacent wetlands except by permission of, and under the direction of the appropriate board of selectmen as prescribed in RSA 485:54;

(15) A person shall operate off-highway recreational vehicles on the water or ice of Lake Waukewan or adjacent wetlands or upon any land of the towns within the watershed in strict compliance with the laws of the state of New Hampshire, as described in RSA 215-A. The use of any land belonging to any of the towns within the watershed or any frozen or non-frozen surface of Lake Waukewan or adjacent wetlands by the owner or operator of any OHRV shall be done at the owner's or operator's own risk;

(16) A person shall not use highway motor vehicles on the waters or ice of Lake Waukewan or adjacent wetland except by written permission by the board of selectmen of the town where each entrance or exit is to be made;

(17) Nothing in these rules shall be construed to prevent access to Lake Waukewan for fishing purposes, so long as the intent of the rules is observed;

(18) A person shall not place any garbage, refuse, or trash of any kind brought from home, camp, or place of business in or near public waste containers. Refuse resulting from picnicking on or adjacent to the Lake Waukewan or adjacent wetlands shall be deposited in approved containers;

(19) A person shall not break bottles or deposit refuse or wastes of any description into Lake Waukewan or adjacent wetlands;

(20) A person shall kindle or maintain only charcoal fires or portable propane grills within 75 feet of the Lake or adjacent wetlands;

(21) A person shall keep dogs and other pets on a leash while adjacent to the shoreline, shall not leave pets unattended, and shall not permit pets in the water within the area described in (b) above;

(22) A person shall not ride horse-back along the shoreline within the area described in (b) above; and

(23) A person shall not tent, camp, or use recreational vehicles overnight, or use trailers and campers within 125 feet of Lake Waukewan or adjacent wetland.

(i) The town of Meredith shall post a summary of the prohibitions contained in (h); above, at all public access locations where persons might reasonably be expected to access Lake Waukewan or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance. A complete set of these rules shall be available and on file at the Center Harbor, Meredith, and New Hampton town clerk's offices.

[Source.](#) (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.25 Protection of the Purity of Pennichuck Brook and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of the Pennichuck Brook pond system, which is the principal drinking water supply source for the city of Nashua and an important water supply source for other municipalities in the region receiving water from the Pennichuck Water Works system.

(b) This section shall apply within the Pennichuck Brook watershed above the Supply Pond dam, which is located at approximate latitude 42° 47' 30", longitude 71° 28' 29", in:

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- (1) The town of Amherst;
- (2) The town of Hollis;
- (3) The town of Merrimack;
- (4) The town of Milford; and
- (5) The city of Nashua.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the city of Nashua and the towns of Amherst, Hollis, Merrimack, and Milford and their duly authorized agents may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of Pennichuck Water Works engaged in the performance of necessary duties for the protection and control of said stream and ponds.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Pennichuck Brook watershed described in (b) above, shall be as follows:

- (1) A person shall not build, continue, or maintain any privy, pig-pen, stable, or other building or structure in which horses, cattle, swine, or other animals or fowls are kept within 75 feet of the high water mark of any of the above-named waters, or within 75 feet of any inlet thereof or tributary thereto;
- (2) A person shall not allow any sink-water, urine, or water that has been used for washing or cleansing materials, persons or food to run into said ponds or brooks or any inlet thereof or tributary thereto, or into any excavation or cesspool in the ground or onto the surface of any ground within 75 feet of the high water mark of said pond or brook or any inlet thereof or tributary thereto;
- (3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, human wastes, kitchen waste, swill, or garbage into said ponds or brook or any inlet thereof or tributary thereto, or leave or allow any such materials to remain within 75 feet of the high water mark of said ponds or brook or any inlet thereof or tributary thereto;
- (4) A person shall not construct any of the structures or carry any of the conditions described in (1), (2), or (3) above, even though beyond the minimum of 75 feet, if the purity of the water thereby is endangered as determined by the department in accordance with Env-Dw 902.04;
- (5) A person shall not throw any sawdust or other waste from the cutting of timber, or allow any such waste to fall into, said ponds or brook or any inlet thereof or tributary thereto;
- (6) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said ponds or brook or any inlet thereof or tributary thereto, any matter, waste or materials such as are described in (2), (3), and (5) above; and

(7) A person shall not bathe or swim in said ponds or brook.

(h) Pennichuck Water Works shall post a summary of the prohibitions contained in (g); above, at all public access locations where persons might reasonably be expected to access Pennichuck Brook or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.26 Protection of the Purity of Mountain Pond, Gordon Hill Reservoir and Their Watershed.

(a) The purpose of this section is to protect the purity of the water of Gordon Hill Reservoir, which is the principal drinking water supply source for the New Hampton Village Precinct.

(b) This section shall apply within the Mountain Pond/Gordon Hill Reservoir watershed above the dam that is located at approximate latitude 43° 35' 55", longitude 71° 38' 21", in the towns of:

- (1) Meredith;
- (2) New Hampton; and
- (3) Sanbornton.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the board of water commissioners of New Hampton Village Precinct and its duly authorized agents, and the health officers and the boards of health of the towns of New Hampton, Meredith and Sanbornton and their duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the New Hampton Village Precinct engaged in the performance of necessary duties for the protection and control of Mountain Pond or Gordon Hill Reservoir.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Mountain Pond and Gordon Hill Reservoir watershed described in (b) above, shall be as follows:

- (1) A person shall not build, continue, or maintain any building or structure in which animals or fowl are kept within 75 feet of Mountain Pond, Gordon Hill Reservoir, or the connecting brook between said pond and reservoir, or within 75 feet of any inlet thereof or tributary thereto;
- (2) A person shall not allow any wastes or waters that have been used for washing or cleaning materials, persons or food to run into said pond or reservoir or any inlet thereof or tributary thereto;
- (3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, or human waste into said pond or reservoir or any inlet thereof or

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tributary thereto, or leave or allow any such material to remain on the surface of the ground within 75 feet of said pond or reservoir or any inlet thereof or tributary thereto;

(4) A person shall not throw any sawdust or allow any sawdust to fall into said pond or reservoir or any inlet thereof or tributary thereto;

(5) A person shall not trespass, boat, bathe, swim, fish, or carry on any activity whatever, whether of recreational, occupational, or other nature, in the waters or on the ice of Mountain Pond, Gordon Hill reservoir and the connecting brook between said pond and reservoir; and

(6) A person shall not throw, deposit, or allow to remain upon the ice of said pond or reservoir or upon the ice of any inlet thereof or tributary thereto, any matter, waste, or materials such as are described in (2), (3), and (4) above.

(h) The New Hampton Village Precinct shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Mountain Pond or Gordon Hill Reservoir or their tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

[Source.](#) (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.27 Protection of the Purity of Follett Brook and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Follett Brook, which is a principal drinking water supply for the town of Newmarket.

(b) This section shall apply within the Follett Brook watershed above the dam that is located at approximate latitude 43° 04' 57", longitude 70° 56' 55", in the towns of:

(1) Durham;

(2) Lee; and

(3) Newmarket.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the towns of Durham, Lee, and Newmarket and their duly authorized agents, and the board of water commissioners of the town of Newmarket and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said brook.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Follett Brook watershed described in (b) above, shall be as follows:

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- (1) A person shall not build, continue, or maintain any privy, pig-pen, stable, or other building or structures in which horses, cattle, swine, or other animals or fowls are kept within 75 feet of the high water mark of said brook or any tributary thereto;
- (2) A person shall not allow any sink water, urine, or water that has been used for washing or cleansing materials, persons, or food to run into said brook or any tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of the high water mark of said brook or any tributary thereto;
- (3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, human wastes, kitchen waste, swill, or garbage into said brook or any tributary thereto, or leave or allow any such materials to remain within 75 feet of the high water mark of said brook or any tributary thereto;
- (4) A person shall not deposit any sawdust, shavings, apple pomace, or waste from mills or factories, or allow any such wastes to fall into, said brook or any tributary thereto, or upon their banks so near as to be reachable by high water;
- (5) A person shall not bathe in said brook;
- (6) A person shall not fish in said brook;
- (7) A person shall not construct any of the structures or carry out any of the conditions described in (1), (2), (3), and (4) above, beyond the minimum limit of 75 feet, if the purity of the water thereby shall be deemed endangered by the department in accordance with Env-Dw 902.04;
- (8) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said brook or any tributary thereto, any matter, waste, or materials such as are described in (2), (3), and (4) above; and
- (9) A person shall not use a seaplane on said brook.

(h) The town of Newmarket shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Follett Brook or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

[Source.](#) (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.28 Protection of the Purity of the Water of Gilman Pond and Its Watershed in the Town of Unity.

(a) The purpose of this section is to protect the purity of the water of Gilman Pond, which is the principal drinking water supply for the town of Newport.

(b) This section shall apply within the Gilman Pond watershed above the dam that is located at approximate latitude 43° 17' 39", longitude 72° 12' 03", in the town of Unity.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the towns of Unity and Newport and their duly authorized agents, and the board of water commissioners of the town of Newport and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.



(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said pond.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions and restrictions that apply in the Gilman Pond watershed described in (b) above, shall be as follows:

(1) A person shall not build or maintain any privy, pig pen, stable, or other building or structure in which horses, cattle, swine, or other animals or fowl are kept within 200 feet of the high water mark of Gilman Pond or any inlet thereof;

(2) A person shall not allow any sink water, urine, or water that has been used for washing or cleansing materials, persons, or food to run into Gilman Pond or any inlet thereof, or into any excavation or cesspool in the ground or on the surface of any ground within 200 feet of the high water mark of Gilman Pond or of any inlet thereof;

(3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, human wastes, kitchen waste, swill, or garbage into Gilman Pond or any inlet thereof, or leave or allow any such materials to remain within 200 feet of the high water mark of Gilman Pond or any inlet thereof;

(4) A person shall not throw, deposit, or allow to remain upon the ice of the waters of Gilman Pond, or any inlet thereof, any matter, waste, or materials such as described in (2) or (3) above;

(5) A person shall not drive, ride, or race any cattle, horses, or other animals used for teaming, riding, or racing on the ice of Gilman Pond;

(6) A person shall not build or maintain any privy, toilet, sink drain, or subsurface septic disposal system or discharges therefrom within 200 feet of Gilman Pond or any inlet thereof. Existing properly functioning septic systems within 200 feet of the shoreline may, at the owners' discretion, remain in place. If failure occurs, the repair or replacement shall be carried out in accordance with Env-Wq 1003.10 with adherence to the 200 foot setback in this subparagraph;

(7) A person shall not place or leave any hazardous waste as defined in RSA 147-A, VII or Env-Hw 100 through Env-Hw 1100, or any combination of wastes which pose a threat to human health or the environment, in, on or near the waters or ice of Gilman Pond or any inlet thereof or tributary thereto;

(8) A person shall not place or leave any solid waste, as defined in RSA 149-M:4, XXII, including but not limited to refuse, appliances, auto parts, tires, and tree stumps, in, on, or near the water or ice of Gilman Pond or any inlet thereof or tributary thereto;

(9) A person shall not place any chemical waste, such as gasoline, paint, fertilizers, or similar waste, into, on or upon the water or ice, or within 200 feet of Gilman Pond or any inlet thereof or tributary thereto;

(10) A person shall conduct all pesticide applications made on that land area which contributes surface water runoff either directly into Gilman Pond or indirectly by running into any stream tributary thereof, in strict accordance with the rules of the New Hampshire pesticide control board adopted pursuant to RSA 430;

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(11) A person shall perform all forestry or timber harvesting activities conducted in the Gilman Pond watershed, in strict accordance with state of New Hampshire laws including RSA 227-J, and in consultation with the town of Newport;

(12) A person shall not bathe, wade, swim, water-ski, or perform any other water contact activity in Gilman Pond or any inlet thereof or tributary thereto;

(13) A person shall not discharge off or from a vessel, cruiser, boat, houseboat, or wharf, or from a structure of any kind whether on the water or on the ice, or from any tank or receptacle thereon or therein contained, any excrement or urine, nor shall a person leave any such waste in, on, or near the waters or ice of Gilman Pond or any inlet thereof or tributary thereto;

(14) A person shall not tie, beach, or ground any occupied vessel, cruiser, boat, houseboat, or structure of any kind to the water, ice, or shore of Gilman Pond or any inlet thereof or tributary thereto for an overnight period;

(15) A person, firm, or corporation shall not cut or take ice from Gilman Pond or any inlet thereof or tributary thereto;

(16) A person shall not use or operate any off-highway recreational vehicle (OHRV), as defined in RSA 215-A:1, VI, on the water or ice of Gilman Pond or any inlet thereof or tributary thereto, or on any land around Gilman Pond, without the express written permission of the board of selectmen of the town where entrance or exit is to be made;

(17) A person shall not use any aircraft on the waters or ice of Gilman Pond or any inlet thereof or tributary thereto; and

(18) A person shall not boat or fish in Gilman Pond or any inlet thereof or tributary thereto.

(h) The town of Newport shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Gilman Pond or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.29 Protection of the Purity of Berry Pond and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Berry Pond, which is the principal drinking water supply for the town of Pittsfield.

(b) This section shall apply within the Berry River watershed above the dam that is located at approximate latitude 43° 17' 28", longitude 71° 18' 03", in the town of Pittsfield.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officer and the board of health of the town of Pittsfield and their duly authorized agents may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

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(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said pond.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Berry Pond watershed described in (b) above, shall be as follows:

(1) A person shall not build, continue, or maintain any privy, pig-pen, stable, or other building or structures in which horses, cattle, swine, or other animals or fowls are kept within 75 feet of the high water mark of Berry Pond or any inlet thereof or tributary thereto;

(2) A person shall not allow any sink water, urine, or water that has been used for washing or cleansing materials, persons, or food to run into said pond or any inlet thereof or tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of the high water mark of said pond, or any inlet thereof or tributary thereto;

(3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, human wastes, kitchen waste, swill, or garbage into said pond or any inlet thereof or tributary thereto, or leave or allow any such materials to remain within 75 feet of the high water mark of said pond or any inlet thereof or tributary thereto;

(4) A person shall not build any of the structures or carry out any of the conditions described in (1), (2), and (3) above, if the purity of the water is thereby deemed endangered by the department in accordance with Env-Dw 902.04;

(5) A person shall not bathe in said pond;

(6) A person shall not throw any sawdust or allow any sawdust to fall into said pond or any inlet thereof or tributary thereto;

(7) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said pond or any inlet thereof or tributary thereto, any matter, waste, or materials such as are described in (2) and (3) above; and

(8) A person shall not use a seaplane on said pond.

(h) The Pittsfield Aqueduct Company shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Berry Pond or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

[Source.](#) (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.30 Protection of the Purity of the Bellamy Reservoir and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of the Bellamy Reservoir, which is the principal drinking water supply for the city of Portsmouth.

(b) This section shall apply within the Bellamy river watershed above the dam that is located at approximate latitude 43° 10' 49", longitude 70° 56' 55", in the towns of:

(1) Barrington;

(2) Dover; and

(3) Madbury.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the towns of Barrington, Dover, and Madbury and their duly authorized agents, and the board of water commissioners of the city of Portsmouth and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Dw 902.05. The provisions of this section shall not apply to officials or employees of the town of Madbury or the city of Portsmouth board of water commissioners engaged in the performance of necessary duties for the protection of public safety or the protection and control of said reservoir.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Bellamy Reservoir watershed described in (b) above, shall be as follows:

(1) A person shall not build, continue, or maintain any building or structure of any kind in which animals or fowls are kept within 75 feet of the high water elevation of Bellamy Reservoir, as defined by the existing spillway elevation of 136.0 feet, or within 75 feet of any inlet thereof or tributary thereto;

(2) A person shall not discharge any sewage or other waste, as defined in RSA 485-A:2, X, treated or otherwise, into said reservoir or any inlet thereof or tributary thereto;

(3) A person shall not throw or deposit any dead animal or fish or parts thereof, perishable or decayable material, manure, or human wastes into said reservoir or any inlet thereof or tributary thereto, or leave or allow any such materials to remain on the surface of the ground within 75 feet of said reservoir or any inlet thereof or tributary thereto;

(4) A person shall not bathe or swim in said reservoir or any inlet thereof or tributary thereto;

(5) A person shall not operate any boats propelled by means of inboard or outboard motors other than electric motors on the waters of said reservoir or any inlet thereof;

(6) A person shall not enter upon or conduct any activity on the ice of said reservoir within 100 feet of the Route 9 bridge, said bridge not being construed to include the causeway;

(7) All activity whether of recreational, occupational, or other nature, in or on the waters of said reservoir within a distance of 2,000 feet of the water supply intake structure, the farthest extent of said area to be marked by signs or buoys, shall be prohibited;

(8) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said reservoir or upon the ice of any inlet thereof or tributary thereto, any sewage or other waste as defined in RSA 485-A:2; and

(9) A person shall not operate any seaplane or any motor vehicle as defined in RSA 259:60, other than an all-terrain vehicle as defined in RSA 215-A:1, I-b or a snowmobile as defined in RSA215-A:1, XIII, on any portion of said reservoir.

(h) The city of Portsmouth shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Bellamy Reservoir or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance. These rules shall not apply to staff or hired employees.

Source. (See Revision Note at part heading for Env-Dw 902)  
#10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.31 Protection of the Purity of Round Pond and Rochester Reservoir and Their Watershed.

(a) The purpose of this section is to protect the purity of the waters of Round Pond and the Rochester Reservoir, which are principal drinking water supplies for the city of Rochester.

(b) This section shall apply within the Round Pond and the Rochester Reservoir watershed above the dam that is located at approximate latitude 43° 17' 18", longitude 71° 02' 33", in the:

- (1) City of Rochester; and
- (2) Town of Barrington.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the city of Rochester and town of Barrington and their duly authorized agents, and the board of water commissioners of the city of Rochester and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05 and the city of Rochester. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said pond or reservoir.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Round Pond and Rochester Reservoir watershed described in (b) above, shall be as follows:

- (1) A person shall not build, continue, or maintain any building or structure of any kind in which animals or fowls are kept within 75 feet of Round Pond or Rochester Reservoir upstream of the water works intake structure, or within 75 feet of any inlet thereof or tributary thereto;
- (2) A person shall not allow any wastes or waters that have been used for washing or cleansing materials, persons, or food, to run into said pond or reservoir or any inlet thereof or tributary thereto;
- (3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, or human wastes into said pond or reservoir or any inlet thereof or tributary thereto, nor shall a person allow any such materials to remain on the surface of the ground within 75 feet of said pond or reservoir or any inlet thereof or tributary thereto;
- (4) A person shall not throw any sawdust, or allow any sawdust to fall, into said pond or reservoir or into any inlet thereof or tributary thereto;

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(5) A person shall not boat, bathe, swim, fish, or carry on any activity of a recreational nature in or on the waters of Round Pond or Rochester Reservoir or any inlet thereof or tributary thereto;

(6) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said pond or reservoir, or upon that of any inlet thereof or tributary thereto, any matter, waste, or materials such as are described in (2), (3), and (4) above; and

(7) A person shall not use any seaplane on said pond or reservoir.

(h) The city of Rochester shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access the Round Pond and the Rochester Reservoir or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.32 Protection of the Berry's River and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Berry's River and its watershed, which are a principal drinking water supply for the City of Rochester.

(b) This section shall apply within the Berry's River watershed above the diversion dam that is located at approximate latitude 43° 17' 16", longitude 71° 03' 44", in the:

- (1) Town of Barrington;
- (2) Town of Farmington;
- (3) Town of Strafford; and
- (4) City of Rochester.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the towns of Barrington, Farmington, and Strafford and the city of Rochester and their duly authorized agents, and the board of water commissioners of the city of Rochester and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said river.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Berry's River watershed described in (b) above, shall be as follows:

- (1) A person shall not build, continue, or maintain any building or structure of any kind in which animals or fowls are kept within 75 feet of Berry's River upstream of the water works intake structure or within 75 feet of any inlet thereof or tributary thereto;

(2) A person shall not run any wastes or waters that have been used for washing or cleansing materials, person or food, into said river or any inlet thereof or tributary thereto;

(3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, or human wastes into said river or any inlet thereof or tributary thereto, or leave or allow any such materials to remain on the surface of the ground within 75 feet of said river or any inlet thereof or tributary thereto;

(4) A person shall not throw any sawdust or allow any sawdust to fall into said river or into any inlet thereof or tributary thereto;

(5) A person shall not boat, bathe, swim, fish, or carry on any other activity of a recreational nature in or on the waters of Berry's River and its tributaries above the intake structure for the Rochester Water Works;

(6) A person shall not throw or deposit or allow to remain upon the ice of the waters of said river, or upon that of any inlet thereof or tributary thereto, any matter, waste, or materials such as are described in (2), (3), and (4) above; and

(7) A person shall not use a seaplane on said river.

(h) The city of Rochester shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Berry's River or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.33 Protection of the Purity of the Water of Canobie Lake and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Canobie Lake, which is the principal drinking water supply for the town of Salem.

(b) This section shall apply within the Canobie Lake watershed above the dam that is located at approximate latitude 42° 47' 30", longitude 71° 15' 04", in the towns of:

(1) Salem; and

(2) Windham.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the towns of Salem and Windham and their duly authorized agents, and the board of water commissioners of the town of Salem and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions and restrictions that apply in the Canobie Lake watershed described in (b) above, shall be as follows:

- (1) A person shall not build, continue, or maintain any privy, pig-pen, stable, or other building or structure in which horses, cattle, swine, or other livestock or fowl are kept within 75 feet of the high water mark of Canobie Lake or any inlet thereof;
- (2) A person shall not allow any sink water, urine, or water that has been used for washing or cleansing materials, persons, or food, to run into said lake or any inlet thereof, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of the high water mark of said lake or any inlet thereof;
- (3) A person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, human wastes, kitchen waste, swill, or garbage, into said lake or any inlet thereof, or leave or allow any such materials to remain within 75 feet of the high water mark of said lake or any inlet thereof;
- (4) A person shall not bathe or swim or engage in other body-contact activities in said lake;
- (5) Any boat used upon said lake shall comply with RSA 487:1 through RSA 487:3 with respect to the discharge of sewage or gray water;
- (6) A person shall not throw or deposit or allow to remain upon the ice of the waters of said lake or any inlet thereof, any matter, waste, or materials such as are described in (2) and (3) above; and
- (7) A person shall not use a seaplane on said lake.

(h) The town of Salem shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Canobie Lake or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.34 Protection of the Purity of Lake Sunapee and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Lake Sunapee, which is the principal drinking water supply for the town of Sunapee.

(b) This section shall apply within the Lake Sunapee watershed above the dam that is located at approximate latitude 43° 23' 08", longitude 72° 04' 53", in the towns of:

- (1) Newbury;
- (2) New London; and
- (3) Sunapee.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the towns of Newbury, New London, and Sunapee and their duly authorized agents, and the board of water commissioners



of the town of Sunapee and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) Any deviations from this section shall be by written consent of the department, in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions and restrictions that apply in the Lake Sunapee watershed described in (b) above, shall be as follows:

(1) A person shall not build, continue, or maintain any privy, pig-pen, stable, or other building or structures in which horses, cattle, swine, or other livestock or fowls are kept within 75 feet of the high water mark of Lake Sunapee or any inlet thereof or tributary thereto;

(2) A person shall not allow any sink water, urine, or water that has been used for washing or cleansing materials, persons, or food to run into said lake or any inlet thereof or tributary thereto, or into any excavation or cesspool in the ground or on the surface of any ground within 75 feet of the high water mark of said lake or any inlet thereof or tributary thereto;

(3) With the exception of using such materials as bait for fishing, a person shall not throw or deposit any dead animal or fish or parts thereof, food, perishable or decayable material, manure, human wastes, kitchen waste, swill, or garbage into said lake or any inlet thereof or tributary thereto, or leave or allow any such wastes to remain within 75 feet of the high water mark of said lake or any inlet thereof or tributary thereto;

(4) A person shall not throw any sawdust, or allow any sawdust to fall, into said lake or any inlet thereof or tributary thereto;

(5) Any boat used upon said lake shall comply with RSA 487:1 through RSA 487:3 with respect to the discharge of sewage or gray water;

(6) A person shall not throw, deposit or allow to remain upon or in the ice or the waters of said lake or any inlet thereof or tributary thereto, any waste or pollutants; and

(7) A person shall not use a seaplane in Sunapee Harbor north and west of a line from Russell Point bearing south 45 degrees west to the opposite shore.

(h) The town of Sunapee shall post a summary of the prohibitions contained in (g) above, at all public access locations where persons might reasonably be expected to access Lake Sunapee and/or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902)  
#10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.35 Protection of the Purity of the Water of Fassett Brook Reservoir.

(a) The purpose of this section is to protect the purity of the water of Fassett Brook Reservoir, which is the principal drinking water supply for the town of Troy.

(b) This section shall apply within Fassett Brook watershed above the reservoir dam that is located at approximate latitude 42° 50' 19", longitude 72° 08' 26", in the Town of Jaffrey.

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(c) In accordance with RSA 485:24, the health officer and the board of health of the town of Jaffrey and their duly authorized agents, and the board of water commissioners of the town of Troy and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(d) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

(f) A person shall not build, continue, or maintain any livestock, stable or other building or structures in which livestock are kept within 75 feet of the Fassett Brook Reservoir or any tributary thereto without the written approval of the department, in accordance with Env-Dw 902.05.

(g) A person shall not discharge any industrial or domestic wastewater into the Fassett Brook Reservoir or any tributary thereto.

(h) A person shall not throw or deposit any solid waste material into the Fassett Brook Reservoir, or leave or allow such material to remain within 75 feet of the reservoir or any tributary thereto.

(i) A person shall not apply or store any fertilizer, pesticides, gasoline, oil, or other hazardous chemicals or materials within 75 feet of the Fassett Brook Reservoir or any tributary thereto.

(j) A person shall not bathe in the Fassett Brook Reservoir.

(k) A person shall not fish in the Fassett Brook Reservoir.

(l) A person shall not boat in the Fassett Brook Reservoir.

Source. (See Revision Note at part heading for Env-Dw 902) #10602, eff 5-20-14; ss by #13286, eff 10-26-21

Env-Dw 902.36 Protection of the Purity of Upper Beech Pond and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Upper Beech Pond, which is the principal drinking water supply for the town of Wolfeboro.

(b) This section shall apply within the Upper Beech Pond watershed above the outlet that is located at approximate latitude 43° 38' 35", longitude 71° 12' 33", in the towns of:

(1) Tuftonboro; and

(2) Wolfeboro.

(c) Any person violating this section shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(d) In accordance with RSA 485:24, the health officers and the boards of health of the towns of Tuftonboro and Wolfeboro and their duly authorized agents, and the board of water commissioners of the town of Wolfeboro and its duly authorized agents, may act as agents of the department for the enforcement of this section in cooperation with the department.

(e) Where any provision of this section is in conflict with local ordinances, the provision that is more protective of the surface water shall apply.

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(f) Any deviations from these rules shall be by written consent of the department, in accordance with Env-Dw 902.05. The provisions of this section shall not apply to employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said pond.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Upper Beech Pond watershed described in (b) above, shall be as follows:

(1) No trespassing on town owned land around said pond shall be allowed. This includes, but shall not be limited to, hiking, camping, picnicking, horseback riding or use of any off-highway recreational vehicles at any time; and

(2) No boating, fishing, swimming or any use shall be allowed on or in the pond.

(h) The town of Wolfeboro shall post a summary of the prohibitions contained in (g); above, at all public access locations where persons might reasonably be expected to access Upper Beech Pond or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Source. (See Revision Note at part heading for Env-Dw 902)  
#10602, eff 5-20-14; ss by #13286, eff 10-26-21

**Appendix A: Statutes Implemented**

<b>Rule Section(s)</b>	<b>State Statute(s) Implemented</b>
Env-Dw 901.01-.04	RSA 485-C:1
Env-Dw 901.05	RSA 485-C:5, I
Env-Dw 901.06	RSA 485-C:1-2
Env-Dw 901.07	RSA 485-C:5
Env-Dw 901.08	RSA 485-C:9, II & III
Env-Dw 901.09-.10	RSA 485-C:9, V(a)
Env-Dw 901.11	RSA 485-C:9, IV
Env-Dw 901.12	RSA 485-C:9
Env-Dw 901.13	RSA 485-C:9, VI
Env-Dw 901.14	RSA 485-C:9, II(a)
Env-Dw 901.15	RSA 485-C:9, III(a)
Env-Dw 901.16	RSA 485-C:1
Env-Dw 901.17-.18	RSA 485-C:8, II
Env-Dw 901.19	RSA 541-A:22, IV
Env-Dw 902 (see below for additional statute)	RSA 485:23, RSA 485:24
Env-Dw 902.05	RSA 541-A:22, IV

**APPENDIX B: INCORPORATED REFERENCES**

<b>Rule Section(s)</b>	<b>Title, Date</b>	<b>Obtain at:</b>
Env-Dw 902.24(h)(9)	Manual of Best Management Practices for Agriculture in New Hampshire, July 2017	NH Dept. of Agriculture, Markets, and Food 25 Capitol St., PO Box 2042 Concord, NH 03302-2042  Download for free at: <a href="https://www.agriculture.nh.gov/publications-forms/documents/bmp-manual.pdf">https://www.agriculture.nh.gov/publications-forms/documents/bmp-manual.pdf</a>

**APPENDIX C: STATUTORY DEFINITIONS**

**RSA 147-A:2**

VII. "Hazardous waste" means a solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes:

(a) Which, because of either quantity, concentration, or physical, chemical, or infectious characteristics may:

(1) Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or

(2) Pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged.

(b) Or which has been identified as a hazardous waste by the department using the criteria established under RSA 147-A:3, I or as listed under RSA 147-A:3, II. Such wastes include, but are not limited to, those which are reactive, toxic, corrosive, ignitable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means. Such wastes do not include radioactive substances that are regulated by the Atomic Energy Act of 1954, as amended, or household pharmaceutical wastes collected pursuant to RSA 318-E.

**RSA 149-M:4**

XXII. "Solid waste" means any matter consisting of putrescible material, refuse, residue from an air pollution control facility, and other discarded or abandoned material. It includes solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. For purposes of this chapter, it does not include hazardous waste as defined in RSA 147-A:2; solid or dissolved materials in irrigation return flows; cut or uprooted tree stumps buried on-site with local approval if required, provided that such burial locations are not located within 75 feet of any drinking water supply; municipal and industrial discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended; source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended; or septage or sludge as defined in RSA 485-A:2, IX-a and XI-a.

**RSA 215-A:1**

I-b. "All terrain vehicle (ATV)" means any motor-driven vehicle which is designed or adapted for travel over surfaces other than maintained roads with one or more non-highway tires, having capacity for passengers or other payloads, not to exceed unladen dry weight of 1,000 pounds, and not to exceed 50 inches in width. For

the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

VI. "Off highway recreational vehicle" means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, tracks, or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motorized vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes. For purposes of this chapter "off highway recreational vehicle" shall be abbreviated as OHRV. OHRVs shall include any pedaled vehicle equipped with a motor that is not included in the definition of electric bicycle and utility terrain vehicles, but shall not include snowmobiles as defined in RSA 215-C or electric bicycles as defined in RSA 259:27-a.

XIII. "Snowmobile" means any vehicle propelled by mechanical power that is designed to travel over ice or snow supported in part by skis, tracks, or cleats. Only vehicles that are no more than 54 inches in width and no more than 1200 pounds in weight shall be considered snowmobiles under this chapter. Snowmobiles shall not include OHRVs.

**RSA 236:112**

I. "Junk yard" means a place used for storing and keeping, or storing and selling, trading, or otherwise transferring old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel, or other old or scrap ferrous or nonferrous material. As used in this subdivision, the term includes, but is not limited to, the following types of junk yards:

(a) Automotive recycling yards, meaning a motor vehicle junk yard, as identified in subparagraph (c), the primary purpose of which is to salvage multiple motor vehicle parts and materials for recycling or reuse;

(b) Machinery junk yards, as defined in paragraph III; and

(c) Motor vehicle junk yards, meaning any place, not including the principal place of business of any motor vehicle dealer registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126, where the following are stored or deposited in a quantity equal in bulk to 2 or more motor vehicles:

(1) Motor vehicles which are no longer intended or in condition for legal use according to their original purpose including motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap; and/or

(2) Used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle.

III. "Machinery junk yard" means any yard or field used as a place of storage in which there is displayed to the public view, junk machinery or scrap metal that occupies an area of 500 square feet.

**RSA 259:60**

"Motor vehicle" shall mean:

I. Except where otherwise specified in this title, any self-propelled vehicle not operated exclusively on stationary tracks, including ski area vehicles;

II. As used in RSA 261:148 relative to municipal permits for registration, includes all trailers and semi-trailers as defined herein and travel trailers as determined by the commissioner of revenue administration; however, snowmobiles as defined herein, mobile homes, house trailers and mopeds shall not be so included;

III. For purposes of the financial responsibility statutes, any self-propelled vehicle not operated exclusively upon stationary tracks, except farm tractors, crawler-type tractors, electric bicycles, and mopeds;

IV. For purposes of the road toll statutes, all vehicles, engines, machines, or mechanical contrivances, except electric personal assistive mobility devices as defined in RSA 269:1, which are propelled on the public highways by internal combustion engines, electric motors, steam engines, or other alternate sources of energy except human or animal power.

V. As used in RSA 260:14, relative to motor vehicle records, vehicles described in paragraph I and vessel as defined by RSA 270-E:2, XII.

**RSA 270:2**

IX. The term "seaplane" means any aircraft on floats or an amphibian aircraft with a hull and sponson, which is capable of landing on land or water.

**RSA 270:73, V**

V. "Ski craft" means any motorized watercraft or private boat which is less than 13 feet in length as manufactured, is capable of exceeding a speed of 20 miles per hour, and has the capacity to carry not more than the operator and one other person while in operation. The term includes a jet ski, surf ski, fun ski, or other similar device. "Ski craft" does not include any watercraft or boat with twin hulls and which is greater than 11 feet long, greater than 5 feet wide, and powered by an outboard motor.

**RSA 431:33**

I. "Agricultural compost" means mixtures of decomposing organic matter, that may include manure, stored and managed on farms and used to condition and fertilize soils used for production of agricultural crops.

II. "Commercial fertilizer" means any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and other products exempted by rule by the commissioner.

III. "Manure" means the excreta of animals, including poultry, that are kept or harbored as domesticated animals, together with bedding materials used in housing such animals.

**485-A:2**

VI. "Industrial waste" means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources.

VIII. "Other wastes" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than sewage or industrial wastes, and any other substance harmful to human, animal, fish or aquatic life.

IX. "Person" means any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity.

X. "Sewage" means the water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present.

XVI. "Waste" means industrial waste and other wastes.