

Effective January 1, 2019, Env-Dw 708 reads as follows:**PART Env-Dw 708 SAMPLING SCHEDULES****Env-Dw 708.01 Establishment and Modification of Sampling Schedules.**

(a) The department shall provide each O/O with a sampling schedule in writing upon being notified by the O/O that it has commenced delivering water to customers.

(b) The sampling schedule shall identify the parameters to be tested, the points at which samples are to be collected, and the frequency of sampling for that particular system, consistent with those specified in Env-Dw 708.02 through Env-Dw 708.03.

(c) The sampling schedule shall be established for each parameter for which the sample is being collected based on:

- (1) The size and type of system for which the sampling schedule is prepared;
- (2) The concentration of the parameter;
- (3) The variability of the parameter; and
- (4) The reliability of the treatment process.

(d) The department shall notify each O/O in writing of any modification(s) to the sampling schedule established pursuant to this section that are required based on a change in federal requirements adopted by the state, the concentration of regulated parameters, new well or blend of well(s), new treatment, new potential sources of contamination found in the protective radius of the well(s), or other issues such as those identified based on an inspection.

(e) If an O/O wishes to modify the sampling schedule established for the system, the O/O shall proceed in accordance with:

- (1) Env-Dw 708.04, for changes to sampling points;
- (2) Env-Dw 708.11, for reductions in monitoring for sources not used as potable water;
- (3) Env-Dw 709, for modifications to bacteria monitoring;
- (4) Env-Dw 710.06, for modifications to radionuclide monitoring;
- (5) Env-Dw 711.05, for modifications to inorganic chemical monitoring;
- (6) Env-Dw 712.05, for modifications to volatile organic chemical monitoring; and
- (7) Env-Dw 712.12, for modifications to synthetic organic chemical monitoring.

Env-Dw 708.02 Monitoring Within A Compliance Period.

(a) Each O/O shall monitor for each parameter within each compliance period designated for that parameter in accordance with the system's sampling schedule established pursuant to Env-Dw 708.01.

(b) Subject to (c), and (d), below, if an O/O fails to submit a sample during the assigned monitoring period, the O/O shall submit the sample as soon as the O/O discovers the failure or upon being notified of the failure by the department, whichever is earlier.

(c) If an O/O fails to submit an investigative monitoring E. coli source sample as required by Env-Dw 717, the O/O shall collect a sample the month after completion of the required monthly sampling.

(d) No make-up sample shall be required if an O/O fails to collect a routine total coliforms sample as required by Env-Dw 709.

Env-Dw 708.03 Monitoring for Ground and Surface Water Systems. Unless otherwise noted, an O/O using a combination of groundwater and surface water shall monitor as if the source is a surface water supply.

Env-Dw 708.04 PWS Request for Changes to Sampling Points.

- (a) The O/O shall collect the required sample(s) at each sampling point designated in the sampling schedule.
- (b) If an O/O believes that a sampling point designated in the sampling schedule is not representative of the water being distributed to persons served by the system, the O/O shall submit a written request to the department for a change to the sampling point for the affected parameter(s).
- (c) A request submitted pursuant to (b), above, shall include the following:
 - (1) The name of the system;
 - (2) The PWS identifier for the system;
 - (3) Each existing sampling point and each proposed sampling point;
 - (4) Whether the change is proposed for all parameters or less than all parameters and, if less than all, each specific parameter for which the change is being requested; and
 - (5) An explanation of the reason for the request.
- (d) The department shall approve a new sampling point if the department determines that:
 - (1) The proposed sampling point is at least as representative of the water being distributed to persons served by the system as the existing sampling point(s);
 - (2) Changing the sampling point(s) in accordance with the request will provide an operational benefit to the system; and
 - (3) The new sampling point(s) will be in compliance with all federal requirements.

Env-Dw 708.05 Types of Samples Collected.

- (a) Composite samples shall not be allowed; rather, an O/O shall collect one discrete sample from each sampling point.
- (b) If a PWS draws water from more than one source and the sources are combined before distribution, a sample of the combined or blended water shall be taken, if specified in the sampling schedule, to satisfy that system's chemical monitoring requirements as specified in Env-Dw 707 and Env-Dw 710 through Env-Dw 713.
- (c) The department shall approve a blended sample if:
 - (1) The sources are combined before entry to the distribution system;
 - (2) Where there are multiple sources, the sources are operated simultaneously or automatically alternated between pump operating cycles; and
 - (3) The sample is collected at the entry point to the distribution system.
- (d) If a PWS draws water from more than one source and the sources are not combined before distribution, a sample of each source shall be taken, as specified in the sampling schedule, to satisfy that system's chemical monitoring requirements as specified in Env-Dw 707, Env-Dw 708, and Env-Dw 710 through Env-Dw 713.

Env-Dw 708.06 Separate Sampling Taps.

(a) Each source shall have a separate sampling tap except where conditions, such as vacuum manifold, prevent such tap installation.

(b) Where treatment is in use, separate sampling taps shall be installed prior to and after treatment.

Env-Dw 708.07 Averaging Results. If a confirmation sample is collected for any parameter, the results of the initial and confirmation sample shall be averaged to determine compliance unless otherwise specified in the parameter-specific section.

Env-Dw 708.08 Completion of Monitoring. The monitoring requirements for a system shall not be complete until all required sample(s) have been collected and analyzed, and the results received by the department, in accordance with all applicable monitoring and reporting requirements specified in subtitle Env-Dw.

Env-Dw 708.09 Public Notice of Non-Compliance.

(a) Subject to (b), below, the O/O shall provide public notice as required by Env-Dw 800 if any violation occurs of any applicable MCL, MRDL, monitoring requirement, treatment technique established in RSA 485 or Env-Dw 700, or reporting or recordkeeping requirement specified in Env-Dw 709, Env-Dw 720.14(b), or Env-Dw 720.16(b).

(b) If a system has a distribution system with portions that are hydraulically separate from other parts of the distribution system, the O/O may request approval from the department pursuant to Env-Dw 801 to limit the public notice to users of only that part of the system in which the applicable standard is exceeded.

Env-Dw 708.10 Collection of Additional Samples by the PWS O/O.

(a) An O/O may collect more samples than the minimum required and submit the analytical results to the department.

(b) Subject to (c), below, in order for sample results submitted pursuant to (a), above, to be used for compliance calculations, the samples shall be uniformly distributed over the appropriate monitoring interval, sampling points, and sources, or the data shall otherwise be representative of the water being consumed.

(c) An O/O may collect more than the minimum number of required routine samples and include the results in calculating whether the coliform trigger has been exceeded only if the samples are taken in accordance with the existing sampling schedule and are representative of water throughout the distribution system.

Env-Dw 708.11 Removing a Source; Reducing Monitoring Responsibility.

(a) Subject to (b), below, an O/O shall comply with all monitoring requirements for a source unless and until:

(1) The source is physically disconnected from the distribution system piping by removing at least 12 inches of piping and capping both cut ends of the remaining pipe; and

(2) The O/O has notified the department in writing that the source has been disconnected.

(b) A water system designed or intended as a public water system, where there are fewer than 15 service connections and fewer than 25 people being served, shall be subject to the minimum monitoring requirements in Env-Dw 708.12.

(c) To reduce the frequency and extent of monitoring requirements when a source has not been removed as provided in (a), above, but is not used for human consumption due to the inability of the source to meet the chemical standards specified in Env-Dw 701-706, the following conditions shall be met:

- (1) The source for which decreased monitoring is requested shall be clearly designated and labeled for non-potable use;
- (2) The O/O shall comply with the minimum monitoring requirements in Env-Dw 708.12;
- (3) The O/O shall provide potable water from an alternative source; and
- (4) If the potable water being provided is bottled water, the bottled water shall be produced by a facility that is licensed under:
 - a. RSA 143 and He-P 2100 or successor rules, if produced in New Hampshire; or
 - b. Applicable governmental authority if produced in another state or country.

(d) To reactivate a source, all applicable monitoring requirements specified in Env-Dw 707 through Env-Dw 713 shall be completed prior to distributing any water from the source as potable water.

Env-Dw 708.12 Minimum Monitoring Requirements. Minimum monitoring shall consist of:

- (a) Quarterly bacteriological analysis in accordance with Env-Dw 709;
- (b) Annual nitrate analysis in accordance with Env-Dw 711.18 through Env-Dw 711.23; and
- (c) Nitrite analysis every 3 years in accordance with Env-Dw 711.24 through Env-Dw 711.28.

APPENDIX A - STATE STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented	Federal Regulation(s) Implemented
Env-Dw 708.01	RSA 485:3, I	
Env-Dw 708.02	RSA 485:3, I	40 CFR 141.24 (f); 40 CFR 141.853 - 141.857
Env-Dw 708.03	RSA 485:3, I	
Env-Dw 708.04(c)(2)	RSA 485:3, I	40 CFR 141.24 (f); 40 CFR 141.853 - 141.857
Env-Dw 708.05	RSA 485:3, I	40 CFR 141.24 (f)
Env-Dw 708.05(d)	RSA 485:3, I	40 CFR 141.24 (f); 40 CFR 141.853 - 141.857
Env-Dw 708.06	RSA 485:3, I	
Env-Dw 708.07	RSA 485:3, I	
Env-Dw 708.08	RSA 485:3, I	
Env-Dw 708.09	RSA 485:3, I	40 CFR 141.32
Env-Dw 708.10	RSA 485:3, I	
Env-Dw 708.11	RSA 485:3, I	
Env-Dw 708.12	RSA 485:41, I	40 CFR 141.26; 40 CFR 141.66