

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(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 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

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

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(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, is hereby 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 RSA 215-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

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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

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;
- (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;