

Watershed Special Permits BACKGROUND

In New Hampshire certain bodies of water also serve as public water supplies. To ensure their protection from pesticide contamination, the State, through the Division of Pesticide Control, has historically required a “Special Permit” whenever pesticides were applied outdoors, anywhere within the boundaries of the watersheds surrounding such public water supplies—where watershed is the land area around a water body from which runoff funnels into the water body. Effective 5/19/03, the Administrative Rules were changed to limit the need for Special Permits to only those situations where pesticides will be applied within 250 feet of such water bodies or tributaries flowing into them. This requirement only applies within the boundaries of the watershed, and then only for a distance of 5 miles out from the intakes drawing water from these bodies.

This brochure explains the new rule.

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New Hampshire Department of Agriculture, Markets & Food

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Food*

Public Water Supply Watersheds Special Permits



**Division of Pesticide
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Pesticide Applications to Public Water Supply Watersheds

The administrative rules governing pesticide applications to public water supply watersheds are in Pes 502.05(a)-(i), where “(a)” specifies the circumstances under which a special permit is required, and “(b)”-“(i)” codify the permit application process. This brochure is only concerned with **Pes 502.04(a)**, which states:

“No person shall apply pesticides within 250 feet of the reference lines of surface waters or their tributaries used for public water supply for a radial distance of 5 miles as measured from the public water supply intake within the boundaries of the watershed surrounding that intake without being in possession of a special permit issued by the division upon consultation with the water division, department of environmental services.”*

Rules and Regulations are available at:

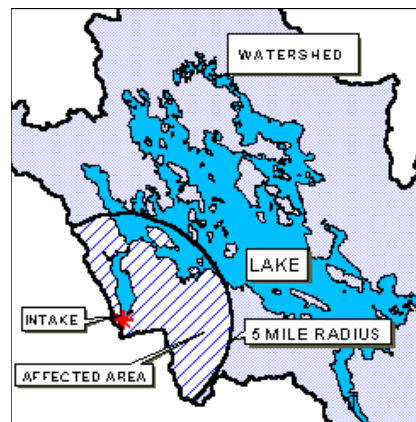
<http://agriculture.nh.gov/laws-rules.index.htm>

* **REFERENCE LINE** (Pes 101.28) - For natural fresh water bodies the natural mean high water level (DES) or the high water mark; for artificially impounded fresh water bodies, the elevation of the top of the impoundment; for coastal waters, highest observable high tide; for rivers, ordinary high water mark.

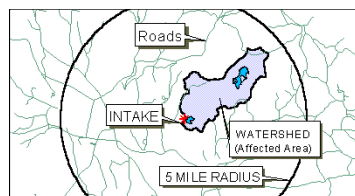
Map Views of Affected Areas

There are two possible scenarios regarding what areas will be subject to the need for a Watershed Special Permit (Affected Areas): those where the dimension of the watershed exceeds 5 miles; and those where it does not. The maps below illustrate these situations.

The 1st example shows the Affected Area when a 5-mile radius intersects only part of a larger watershed.



The 2nd example shows where the entire watershed falls within 5 miles of the intake, which makes the entire watershed the Affected Area.

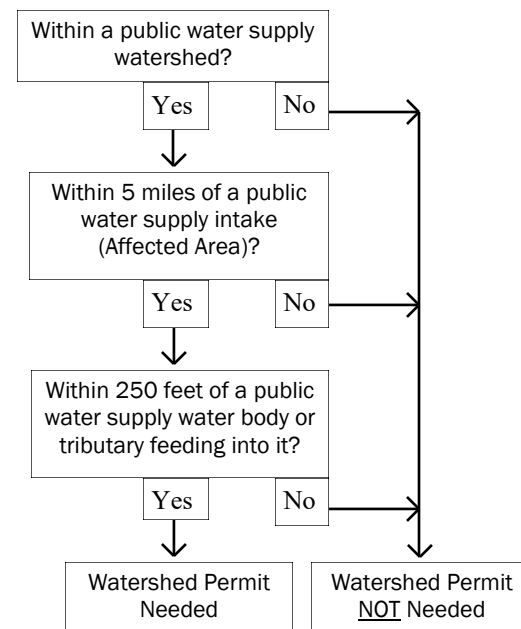


Under the new rules Watershed Permits will only be needed for pesticide applications inside of Affected Areas that will be within 250 feet of the water body or tributaries feeding into it. Outside of Affected Areas one may apply pesticides to within 50' for public waters or 25' of other water without a Special Permit.

Determining Need for a Permit

To determine if a Watershed Special Permit is needed, answer the following questions:

WILL PESTICIDES BE APPLIED:



Keep in mind that, in situations where a Watershed Permit is unnecessary, other special permits might be needed. Check with the Division if unsure.

Permit Applications

Persons who have held Watershed permits in the past, and any other persons who anticipate applying pesticides in close proximity to a water body that they believe is or might be a public water supply, should contact the Division of Pesticide Control. The Division will determine whether you need a permit, and provide the application form. The Division can be reached at:

(603) 271-3550