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.
**Pesticide Applications to Public Water Supply Watersheds**

The administrative rules governing pesticide applications to public water supply watersheds are in Pes 502.04(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/rules.index.htm

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* **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.

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**Determining Need for a Permit**

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

**WILL PESTICIDES BE APPLIED:**

1. **Yes**
2. **No**

**Within a public water supply watershed?**

1. **Yes**
2. **No**

**Within 5 miles of a public water supply intake (Affected Area)?**

1. **Yes**
2. **No**

**Within 250 feet of a public water supply water body or tributary feeding into it?**

1. **Yes**
2. **No**

Watershed Permit Needed    Watershed Permit NOT Needed

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