

Pes 502.04 Applications to Public Water Supply Watersheds.

(a) 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.

(b) Application for a special permit shall be made on forms provided by the division.

(c) The applicant shall provide the following on the form(s) provided under (b) above:

- (1) Name, address, telephone number and registration number of applicant;
- (2) Name, address and telephone number of person(s) requesting the application of pesticides;
- (3) Description of pesticide application, including:
  - a. Target organism;
  - b. Method of application;
  - c. Pesticide(s) to be used;
  - d. Rate of application; and
  - e. Number of applications and approximate dates of treatment;
- (4) Description of property to be treated including:
  - a. Number of blocks to be treated and acreage of each; and
  - b. An outline of all activities in the treatment area that might be affected by the pesticide application;
- (5) The name, EPA ID number, and location of any public water supply intakes within 5 miles downstream of the treatment area(s);
- (6) Reason or need for pesticide application;
- (7) Except for during a public health emergency, a statement that approval pursuant to (e) below has been obtained;
- (8) An acknowledgement that all information provided is accurate and true, and that falsification of information shall result in denial of special permit; and
- (9) Date and signature of the applicant.

(d) In addition to the completed form under (c) above, the applicant shall provide:

- (1) Copies of the complete labels of the pesticides pursuant to (c)(3)c above; and
- (2) A detailed, scale map showing:
  - a. Treatment area(s);
  - b. Adjacent area(s);

- c. Surface waters;
- d. Topographic features; and
- e. Land type(s).

(e) Except for during a public health emergency, the applicant shall obtain approval from the property owner(s) where the pesticide application(s) will occur;

(f) The division shall act upon the permit application in accordance with RSA 541-A:29. The decisions to grant or deny a permit shall be based upon the criteria specified in Pes 603.02(a) and (b).

(g) If an application is approved, a special permit shall be issued in writing, stating the terms and conditions under which the division granted the approval.

(h) If an application is denied, the division shall communicate the denial to the applicant in writing, stating the reasons for the denial.

(i) Any pesticide applicator having knowledge or reason to believe that contamination of surface waters or their tributaries used for public water supply has occurred shall immediately report verbally and in writing within 5 days of such contamination to the division of pesticide control.

Source. #150, eff 1-9-74; ss by #591, eff 11-20-74; ss by #2209, eff 12-13-82; rpld by #2781, eff 7-26-84; ss by #4867, eff 7-19-90; ss by #6258, eff 5-30-96; ss by #7553, eff 9-5-01; ss and moved by #8131, eff 8-13-04 (from Pes 502.05); ss by #10333, eff 5-10-13 (from Pes 502.05)