

Canaan Street Lake Drinking Water Reservoir in south cove.

NH DES regulates water protection in this area. Their rules are attached in part as Env-Dw-902. Pages 1 through 9 and 43 through 45 are included. The omitted pages apply to other lakes. Canaan's restrictions are primarily on page 8, and the following rule is noteworthy:

“A person shall not trespass, boat, bathe, swim, fish or carry on any activity whatever, whether of recreational, occupational, or other nature, in the waters or on the ice of Canaan Street Lake, south of a line about 1,200 feet northwest of the lake's southern most part,.....”

Effective May 20, 2014, Env-Dw 902 reads as follows:**PART Env-Dw 902 PROTECTING THE PURITY OF SURFACE WATER SOURCES OF DRINKING WATER**

Statutory Authority: RSA 485:23, I; RSA 485:24, I

Env-Dw 902.01 Purpose. The purpose of this part is to implement RSA 485:23 and RSA 485:24 by establishing reasonable watershed management practices to protect the quality of surface waters used as sources of drinking water.

Env-Dw 902.02 Applicability.

(a) This part shall apply only to the particular watershed identified in the introductory paragraph(s) of each section.

(b) The rules in Env-Dw 902.01 through Env-Dw 902.06 shall apply to Env-Dw 902.07 through Env-Dw 902.35.

Env-Dw 902.03 Definitions. Unless otherwise defined in context, the following definitions shall apply to this part:

(a) “Agricultural compost” means “agricultural compost” as defined in RSA 431:33, I, as reprinted in Appendix B;

(b) “All-terrain vehicle” means “all-terrain vehicle” as defined in RSA 215-A:1, I-b, as reprinted in Appendix B;

(c) “Commercial fertilizer” means “commercial fertilizer” as defined in RSA 431:33, II, as reprinted in Appendix B;

(d) “Hazardous waste” means “hazardous waste” as defined in RSA 147-A:2, VII, as reprinted in Appendix B;

(e) “Industrial waste” means “industrial waste” as defined in RSA 485-A:2, VI, as reprinted in Appendix B;

(f) “Inlet” means an area of surface water that connects to and is part of a lake or pond, including but not limited to a bay or cove;

(g) “Junkyard” means “junkyard” as defined in RSA 236:112, I, as reprinted in Appendix B;

(h) “Machinery junk yard” means “machinery junk yard” as defined in RSA 236:112, III, as reprinted in Appendix B;

(i) “Manure” means “manure” as defined in RSA 431:33, III, as reprinted in Appendix B;

(j) “Motor vehicle” means “motor vehicle” as defined in RSA 259:60, as reprinted in Appendix B;

(k) “Off-highway recreational vehicle (OHRV)” means “off-highway recreational vehicle” as defined in RSA 215-A:1, VI, as reprinted in Appendix B;

(l) “Other waste” means “other waste” as defined in RSA 485-A:2, VIII, as reprinted in Appendix B;

(m) “Person” means “person” as defined in RSA 485-A:2, IX, as reprinted in Appendix B;

(n) “Seaplane” means “seaplane” as defined in RSA 270:2, IX, as reprinted in Appendix B;

- (o) “Sewage” means “sewage” as defined in RSA 485-A:2, X, as reprinted in Appendix B;
 - (p) “Ski craft” means “ski craft” as defined in RSA 270:73, V, as reprinted in Appendix B;
 - (q) “Snowmobile” means “snowmobile” as defined in RSA 215-A:1, XIII, as reprinted in Appendix B;
 - (r) “Solid waste” means “solid waste” as defined in RSA 149-M:4, XXII, as reprinted in Appendix B;
- and
- (s) “Tributary” means a surface water body that is connected by surface flow in a distinct channel to the subject surface water body. The term includes, but is not limited to, the upstream reach of an impounded river, a stream that feeds directly into the subject surface water body, and a pond that is connected by a stream to the subject surface water body.

Env-Dw 902.04 Restriction of Activities Beyond The Setback From Streams and Shorelines.

(a) The rules in Env-Dw 902.07 through Env-Dw 902.35 shall apply to also restrict activity beyond the shoreline setback if the department determines that such activity would endanger water quality.

(b) The department shall consider the following factors when determining whether an activity beyond the shoreline setback would endanger water quality:

- (1) Type of contaminant;
 - (2) Amount of contaminant generated by the activity;
 - (3) Persistence of the contaminant;
 - (4) Distance and topography between the contaminant locus and the water supply intake; and
 - (5) Application of best management practices (BMPs) or best available treatment (BAT).
- (c) Prior to making a determination, the department shall conduct a public hearing:
- (1) In a location within the watershed that would be affected by a determination or, if there is not a suitable location within the watershed, in a location that is near the watershed; and
 - (2) In accordance with the provisions of Env-C 200 that apply to non-adjudicative proceedings.

(d) If the department determines that, due to the type, amount, and persistence of the contaminant and the topography and distance between the activity that generates the contaminant and the water supply intake, the contaminant cannot be reduced to a safe level through the application of BMPs or BAT, the department shall issue a written notice advising the water supplier and the person undertaking the activity that the activity must be restricted to a specified distance from the water supply intake, with or without BMPs or BAT, so that the activity will not pose a threat to the water taken in by the water system.

Env-Dw 902.05 Waivers.

(a) Any person whose activities in a given watershed are restricted by these rules who wishes to request a waiver of the rule(s) that impose(s) the restriction(s) shall make such request in accordance with this section.

- (b) The person requesting a waiver shall:
- (1) Compile the information specified in (d), below, in a written document;
 - (2) Sign and date the document;

- (3) If the requestor does not own the affected property, obtain the dated signature of each property owner as identified pursuant to (d)(2), below;
 - (4) Submit the original signed document to the department; and
 - (5) Send a copy of the signed document to the affected water supplier and to each municipality in which the affected property is located.
- (c) The signature(s) of the applicant and the affected land owner(s), if any, shall constitute certification that the information provided is true, complete, and not misleading to the knowledge and belief of the signor.
- (d) Each request for a waiver shall include the following information:
- (1) The name, mailing address, and daytime telephone number of the person making the request and, if available, an email address and fax number;
 - (2) If the person making the request is not the owner of the property, the name and mailing address, and daytime telephone number of each land owner and, if available, an email address and fax number;
 - (3) A description of the affected property, including town, street address, and tax map and lot number;
 - (4) A specific reference to the section and paragraph within the section for which a waiver is being sought;
 - (5) A full explanation of why a waiver is being requested, including an explanation of the practical and economic consequences to the person of complying with the rule as written;
 - (6) Whether the need for the waiver is temporary or permanent and, if temporary, the amount of time the waiver is needed;
 - (7) If the requestor is proposing an alternative measure, a full explanation of the alternatives that will be implemented if the waiver is granted, with backup supporting data; and
 - (8) A full explanation of how the waiver request meets the criteria specified in (h), below.
- (e) Upon receipt of a waiver request, the department shall inform the affected water supplier and the municipality in which the property is located of the opportunity to submit data, views, or comments regarding the waiver request in accordance with RSA 541-A:39.
- (f) If requested by the affected water supplier or municipality, the department shall conduct a public hearing regarding the waiver request prior to making a decision on the request.
- (g) Any public hearing held pursuant to (f), above, shall be conducted:
- (1) In a location within the watershed that would be affected by a determination or, if there is not a suitable location within the watershed, in a location that is near the watershed; and
 - (2) In accordance with the provisions of Env-C 200 that apply to non-adjudicative proceedings.
- (h) The department shall grant a waiver if it determines that:
- (1) The activity will be undertaken in a way that will provide equivalent or better protection to the protected surface water; or

(2) The affected water supplier does not object to the request and the intent of RSA 485:24 and RSA 485:25 will still be met.

(i) The department shall send its written decision on a waiver request to the requestor, each property owner identified pursuant to (d)(2), above, each municipality in which the property is located, and the affected water supplier.

(j) If the waiver request is denied, the department shall specify the reason(s) for the denial in its written decision.

(k) If a waiver is granted, the department shall:

(1) Attach such conditions to the waiver as are necessary to ensure that the criteria specified in (h), above, are met; and

(2) Specify the expiration date of the waiver, if a temporary waiver was requested.

(k) Any waiver granted shall be transferable with the affected property until the stated expiration date of the waiver, if any.

Env-Dw 902.06 Notice to Municipalities.

(a) Whenever the department proposes to adopt, amend, readopt with amendment, or repeal any provision of Env-Dw 902 that affects a particular watershed, the department shall provide written notice to:

(1) The governing body of each municipality in which any part of the watershed is located; or

(2) The county commissioners, if any part of a watershed is within an unincorporated place.

(b) The department shall send the written notice within 7 calendar days of filing the rulemaking notice under RSA 541-A:6, I.

Env-Dw 902.07 Protection of the Purity of Bradley Lake and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Bradley Lake, which is the principal public drinking water supply for the town of Andover.

(b) This section shall apply within the Bradley Lake watershed above the lake outlet that is located at approximate latitude 43° 25' 00", longitude 71° 49' 22", in the towns of:

(1) Andover; and

(2) Salisbury.

(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 Andover and Salisbury and their duly authorized agents, and the board of water commissioners of the Andover Precinct 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 employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Bradley Lake watershed described in (b), above, shall be as follows:

- (1) A person shall not build, continue or maintain a privy, pig-pen, stable, or other buildings or structure in which horses, cattle, swine or other animals or fowls are kept within 75 feet of Bradley Lake or within 75 feet of any inlet thereof or tributary thereto;
- (2) A person shall not permit urine, sink water, or water that has been used for washing or cleansing materials, persons, or food to run into said lake or any inlet thereof, or into any cesspool, septic tank or other excavation or onto the surface of any ground within 75 feet of the high water mark of said lake or any inlet thereof;
- (3) A person shall not deposit or throw a dead animal or fish or parts thereof, kitchen waste, garbage or refuse of any kind, manure, or human wastes into said lake or any inlet thereof, nor shall they leave or allow such materials to remain within 75 feet of said lake or any inlet thereof;
- (4) A person shall not permit the activities or conditions described in (1), (2) and (3), above, within the watershed area tributary to Bradley Lake even though beyond the minimum limit of 75 feet, if the purity of the water thereby shall be deemed by the department to be endangered in accordance with the criteria in Env-Dw 902.04;
- (5) A person shall not permit sawdust to be thrown or allowed to fall into said lake or into any inlet thereof;
- (6) A person shall not swim or bathe, nor shall a person permit any domestic animals to enter in the waters of said lake south of a line drawn from a point on the easterly shore located at latitude 43° 24' 56.4", longitude 71°49' 33.6" to a point on the island located at latitude 43° 24' 55.8", longitude 71°49' 36.8" to the point on the westerly shore located at latitude 43° 24' 54.8", longitude 71° 49' 38.9", said line being located where power lines cross the lake as of the 2014 effective date of this section; and
- (7) A person shall not use seaplanes on said lake.

(h) The Andover Precinct shall post a summary of the prohibitions contained in (g), above, at all public access locations where persons might reasonably be expected to access Bradley Lake or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Env-Dw 902.08 Protection of the Purity of Albany Brook and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of Albany Brook, which is the principal drinking water supply for Bartlett Village Precinct.

(b) This section shall apply within the Albany Brook watershed above the dam that is located at approximate latitude 44° 03' 37", longitude 71° 17' 36", in the towns of:

- (1) Bartlett; and
- (2) Albany.

(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 Bartlett and Albany and their duly authorized agents, and the board of water commissioners of the Bartlett Village Precinct 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 employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said brook.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Albany Brook watershed described in (b), above, shall be as follows:

- (1) A person shall not build, continue or maintain a 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 Albany Brook or within 75 feet of any tributary to said brook;
- (2) A person shall not allow sink water, urine, or water that has been used for washing or cleansing materials, persons, or food to run into said brook or any 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 brook or any tributary thereto;
- (3) A person shall not throw or deposit into said brook or any tributary thereto, any dead animal or fish or parts thereof, food, perishable or decayable material, manure, human wastes, kitchen waste, swill, or garbage, or leave or allow any such materials to remain within 75 feet of the high water mark of said brook or any tributary thereto;
- (4) A person shall not deposit or allow to fall any sawdust, shavings, apple pomace, or waste from mills or factories into said brook or any tributary thereto, or upon their banks so near as to be reachable by high water;
- (5) A person shall not bathe in said brook;
- (6) A person shall not fish in said brook;
- (7) A person shall not allow any of the structures or conditions described in (1), (2), (3), and (4), above, beyond the minimum limit of 75 feet, if the purity of the water thereby shall be deemed by the department in accordance with Env-Dw 902.04 to be endangered; and
- (8) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said brook or any tributary thereto, any materials such as are described in (2), (3), and (4), above.

(h) The Bartlett Village precinct shall post a summary of the prohibitions contained in (g), above, at public access locations where persons might reasonably be expected to access Albany Brook or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Env-Dw 902.09 Protection of the Purity of the Upper Ammonoosuc River Godfrey Dam and Its Watershed.

(a) The purpose of this section is to protect the purity of the water of the Upper Ammonoosuc River, which is a principal drinking water supply for the city of Berlin.

(b) This section shall apply within the Ammonoosuc River watershed above the Godfrey Dam, which is located at approximate latitude 44° 29' 03", longitude 71° 19' 14", in the:

- (1) City of Berlin;
- (2) Town of Killenney; and

(3) Town of Randolph.

(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 Berlin and the towns of Kilkenny and Randolph and their duly authorized agents, and the board of water commissioners of the city of Berlin 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 employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of the Godfrey Dam impoundment.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Godfrey Dam watershed described in (b), above, shall be as follows:

- (1) A person shall not build, continue, or maintain a 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 said reservoir or any inlet thereof or tributary thereto;
- (2) A person shall not allow sink water, urine, or water that has been used for washing or cleansing materials, persons, or food to run into said reservoir 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 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, human wastes, kitchen waste, swill, or garbage into said reservoir 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 reservoir or any inlet thereof or tributary thereto;
- (4) A person shall not deposit or allow sawdust, shavings, apple pomace, or waste from mills or factories to fall into said reservoir or into any inlet thereof or tributary thereto, or upon their banks so near as to be reachable by high water;
- (5) A person shall not bathe in said reservoir;
- (6) A person shall not allow structures or conditions described in (1), (2), (3) and (4), above, beyond the minimum limit of 75 feet, if the purity thereby of the water shall be deemed by the department in accordance with Env-Dw 902.04 to be endangered;
- (7) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said reservoir or any inlet thereof or tributary thereto, any waste or materials such as described in (2), (3) and (4), above; and
- (8) A person shall not use seaplanes on said reservoir.

(h) The city of Berlin shall post a summary of the prohibitions contained in (g), above, at all public access locations where persons might reasonably be expected to access the upper Ammonoosuc River or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

(a) The purpose of this section is to protect the purity of the water of Canaan Street Lake, which is the principal drinking water supply for the town of Canaan.

(b) This section shall apply within the Canaan Street Lake watershed above the outlet dam that is located at approximate latitude 43° 40' 33", longitude 72° 02' 35", in the town of Canaan.

(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 officer, the board of health, and the board of water commissioners of the town of Canaan and their 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 employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said lake.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Canaan Street Lake watershed described in (b), above shall be as follows:

(1) A person shall not build, continue or maintain a building or structure of any kind in which animals or fowl are kept within 75 feet of Canaan Street Lake or within 75 feet of any inlet thereof or tributary thereto;

(2) A person shall not permit wastes or waters that have been used for washing or cleansing materials, persons, or food, to run into said lake 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 lake or any inlet thereof or tributary thereto, or allow any such materials to remain within 75 feet of said lake or any inlet thereof or tributary thereto;

(4) A person shall not throw any sawdust or allow any sawdust to fall into said lake or any inlet thereof or tributary thereto;

(5) A person shall not trespass, boat, bathe, swim, fish or carry on any activity whatever, whether of recreational, occupational, or other nature, in the waters or on the ice of Canaan Street Lake, south of a line about 1,200 feet northwest of the lake's southern most part, beginning at a point on the westerly shore at the center line of the road which exists adjacent to the present property line between the properties identified on tax map I-D as lots 38B and 39D, and extending across said lake to the stone jetty on the easterly shore on the property identified on tax map I-D as lot 56-1. The 2 extremities of such a line shall be properly marked by the local water works authority so that they can be readily identified and observed by the general public; and

(6) A person shall not throw, deposit, or allow to remain upon the ice of the waters of said lake or any inlet thereof or tributary thereto, any matter, waste, or materials such as are described in (2), (3) and (4), above.

(h) The town of Canaan shall post a summary of the prohibitions contained in (g), above, at all public access locations where persons might reasonably be expected to access Canaan Street Lake or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Env-Dw 902.11 Protection of the Purity of Whitewater Brook, Rice Reservoir and Dole Reservoir and Their Watersheds.

(a) The purpose of this section is to protect the purity of the water of Whitewater Brook and reservoir, Rice Reservoir and watershed and Dole Reservoir and watershed, which are principal drinking water supplies for the city of Claremont.

(b) This section shall apply within:

(1) The Whitewater Brook watershed above the Whitewater dam, which is located at approximate latitude 43° 25' 24", longitude 72° 18' 42", in the city of Claremont and towns of Cornish and Croydon;

(2) The Rice Reservoir watershed above the Rice dam, which is located at approximate latitude 43° 25' 08", longitude 72° 19' 42", in the city of Claremont; and

(3) The Dole Reservoir watershed above the Dole dam, which is located at approximate latitude 43° 23' 21", longitude 72° 19' 56", in the city of Claremont.

(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 Claremont and the towns of Cornish and Croydon and their duly authorized agents, and the board of water commissioners of the city of Claremont 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 employees of the board of water commissioners engaged in the performance of necessary duties for the protection and control of said brook and reservoirs.

(g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Whitewater Brook, Rice Reservoir and Dole Reservoir watersheds described in (b), above shall be as follows:

(1) A person shall not build, continue, or maintain a structure of any kind in which animals or fowl are kept within 75 feet of said brook or reservoirs or any inlet thereof or tributary thereto;

(2) A person shall not allow wastes or waters that have been used for washing or cleansing materials, persons, or food to run into said brook or reservoirs 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 brook or reservoirs or into any inlet thereof or tributary thereto, or leave or allow such materials to remain on the surface of the ground within 75 feet of said brook or reservoirs or any inlet thereof or tributary thereto;

(4) A person shall not throw any sawdust or allow any sawdust to fall into said brook or reservoirs or any inlet thereof or tributary thereto;

(5) A person shall not trespass, boat, bathe, swim, fish, or carry on any activity whatever, whether of recreational, occupational, or other nature, in the waters or on the ice of Whitewater Brook Reservoir and Intake Reservoir located on Whitewater Brook; and

APPENDIX B: STATUTORY DEFINITIONS**RSA 147-A:2**

VII. "Hazardous waste" means a solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes:

(a) Which, because of either quantity, concentration, or physical, chemical, or infectious characteristics may:

(1) Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or

(2) Pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged.

(b) Or which has been identified as a hazardous waste by the department using the criteria established under RSA 147-A:3, I or as listed under RSA 147-A:3, II. Such wastes include, but are not limited to, those which are reactive, toxic, corrosive, ignitable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means. Such wastes do not include radioactive substances that are regulated by the Atomic Energy Act of 1954, as amended.

RSA 149-M:4

XXII. "Solid waste" means any matter consisting of putrescible material, refuse, residue from an air pollution control facility, and other discarded or abandoned material. It includes solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. For purposes of this chapter, it does not include hazardous waste as defined in RSA 147-A:2; solid or dissolved materials in irrigation return flows; cut or uprooted tree stumps buried on-site with local approval if required, provided that such burial locations are not located within 75 feet of any drinking water supply; municipal and industrial discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended; source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended; or septage or sludge as defined in RSA 485-A:2, IX-a and XI-a.

RSA 215-A:1

I-b. "All terrain vehicle (ATV)" means any motor-driven vehicle which is designed or adapted for travel over surfaces other than maintained roads with one or more tires designed to hold not more than 10 pounds per square inch of air pressure, having capacity for passengers or other payloads, not to exceed 1,000 pounds net vehicle weight, and not to exceed 50 inches in width. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

VI. "Off highway recreational vehicle" means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, tracks, or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motorized vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes. For purposes of this chapter "off highway recreational vehicle" shall be abbreviated as OHRV. OHRVs shall not include snowmobiles as defined in RSA 215-C.

XIII. "Snowmobile" means any vehicle propelled by mechanical power that is designed to travel over ice or snow supported in part by skis, tracks, or cleats. Only vehicles that are no more than 54 inches in width and no more than 1200 pounds in weight shall be considered snowmobiles under this chapter. Snowmobiles shall not include OHRVs.

RSA 236:112

I. "Junk yard" means a place used for storing and keeping, or storing and selling, trading, or otherwise transferring old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel, or other old or scrap ferrous or nonferrous material. As used in this subdivision, the term includes, but is not limited to, the following types of junk yards:

(a) Automotive recycling yards, meaning a motor vehicle junk yard, as identified in subparagraph (c), the primary purpose of which is to salvage multiple motor vehicle parts and materials for recycling or reuse;

(b) Machinery junk yards, as defined in paragraph III; and

(c) Motor vehicle junk yards, meaning any place, not including the principal place of business of any motor vehicle dealer registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126, where the following are stored or deposited in a quantity equal in bulk to 2 or more motor vehicles:

(1) Motor vehicles which are no longer intended or in condition for legal use according to their original purpose including motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap; and/or

(2) Used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle.

III. "Machinery junk yard" means any yard or field used as a place of storage in which there is displayed to the public view, junk machinery or scrap metal that occupies an area of 500 square feet.

RSA 259:60

"Motor vehicle" shall mean:

I. Except where otherwise specified in this title, any self-propelled vehicle not operated exclusively on stationary tracks, including ski area vehicles;

II. As used in RSA 261:148 relative to municipal permits for registration, includes all trailers and semi-trailers as defined herein and travel trailers as determined by the commissioner of revenue administration; however, snowmobiles as defined herein, mobile homes, house trailers and mopeds shall not be so included;

III. For purposes of the financial responsibility statutes, any self-propelled vehicle not operated exclusively upon stationary tracks, except farm tractors, crawler-type tractors, and mopeds;

IV. For purposes of the road toll statutes, all vehicles, engines, machines, or mechanical contrivances, except electric personal assistive mobility devices as defined in RSA 269:1, which are propelled on the public highways by internal combustion engines, electric motors, steam engines, or other alternate sources of energy except human or animal power.

RSA 270:2

IX. The term "seaplane" means any aircraft on floats or an amphibian aircraft with a hull and sponson, which is capable of landing on land or water.

RSA 270:73, V

V. "Ski craft" means any motorized watercraft or private boat which is less than 13 feet in length as manufactured, is capable of exceeding a speed of 20 miles per hour, and has the capacity to carry not more than the operator and one other person while in operation. The term includes a jet ski, surf ski, fun ski, or other similar device. "Ski craft" does not include any watercraft or boat with twin hulls and which is greater than 11 feet long, greater than 5 feet wide, and powered by an outboard motor.

RSA 431:33

I. "Agricultural compost" means mixtures of decomposing organic matter, that may include manure, stored and managed on farms and used to condition and fertilize soils used for production of agricultural crops.

II. "Commercial fertilizer" means any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and other products exempted by rule by the commissioner.

III. "Manure" means the excreta of animals, including poultry, that are kept or harbored as domesticated animals, together with bedding materials used in housing such animals.

485-A:2

VI. "Industrial waste" means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources.

VIII. "Other wastes" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than sewage or industrial wastes, and any other substance harmful to human, animal, fish or aquatic life.

IX. "Person" means any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity.

X. "Sewage" means the water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present.

XVI. "Waste" means industrial waste and other wastes.