

Env-Ws 386.59 Protection of the Purity of Round Pond and Rochester Reservoir and their Watersheds.

- (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 which is located at approximate latitude 43 degrees 17'18", longitude 71degrees 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 the provisions of 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 more stringent provision shall apply.
- (f) Any deviations from this section shall be by written consent of the department in accordance with Env-Ws 386.04 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 and Rochester Reservoir, upstream of the water works intake structure or within 75 feet of any inlet or tributary thereto;
 - (2) A person shall not allow any wastes or waters that have been used for washing or cleansing either materials, person or food, to run into said pond or reservoir or any inlet or tributary thereof;
 - (3) A person shall not throw or deposit any dead animal, fish, or parts thereof, or food or any article perishable or decayable, or any excreta, either human or animal, into said pond or reservoir, nor shall a person allow any such wastes to remain on the surface of the ground within 75 feet thereof or into any inlet or tributary thereto or on the ground surface within 75 feet of any inlet, stream or tributary;
 - (4) A person shall not throw any sawdust, or allow any sawdust to fall, into said pond or reservoir or into any inlet 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, Rochester Reservoir or any inlet or tributary thereto;
 - (6) A person shall not throw, deposit or allow to remain upon the ice of the waters of said pond or reservoir, or upon that of any inlet or tributary thereto, any matter, waste, or materials such as are described in (2), (3) and (4) above; and
 - (7) A person shall not use any seaplane on said pond or reservoir.
- (h) The city of Rochester 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 Round Pond and the

Rochester Reservoir or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.

Env-WS 386.60 Protection of the Berry's River and Its Watershed

- (a) The purpose of this section is to protect the purity of the water of Berry's River and its watershed which is a principal drinking water supply for the City of Rochester.
- (b) This section shall apply within the Berry's River watershed above the diversion dam which is located at approximate latitude 43 degrees 17'16", longitude 71degrees 03'44", in the:
 - (1) Town of Barrington;
 - (2) Town of Farmington;
 - (3) Town of Strafford; and
 - (4) City of Rochester.
- (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 the provisions of RSA 485:24, the health officers and the boards of health of the towns of Barrington, Farmington, and Strafford and the city of Rochester and their duly organized 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 more stringent provision shall apply.
- (f) Any deviations from this section shall be by written consent of the department in accordance With Env-WS 386.04. 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 river.
- (g) In addition to any prohibitions adopted by local ordinance, the prohibitions that apply in the Berry's River 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 Berry's River upstream of the water works intake structure or within 75 feet of any inlet or tributary thereto;
 - (2) A person shall not run any wastes or waters that have been used for washing or cleansing either materials, person or food, into said river or any inlet or tributary thereof;
 - (3) A person shall not throw or deposit any dead animal, or fish, or parts thereof, or food or any article perishable or decayable, or any excreta, either human or animal, into said river, or leave or permit any such wastes to remain on the surface of the ground within 75 feet of any inlet, stream or tributary;
 - (4) A person shall not throw any sawdust, or allow any sawdust to fall into said river or into any inlet or tributary thereto;
 - (5) A person shall not boat, bathe, swim, fish or carry on any other activity of a recreational nature in or on the waters of Berry's River and its tributaries above the intake structure for the Rochester Water Works;

- (6) A person shall not throw or deposit or allow to remain upon the ice of the waters of said river, or upon that of any inlet or tributary thereto, any matter, waste, or materials such as are described in (2), (3) and (4) above; and
- (7) A person shall not use a seaplane on said river.
- (h) The city of Rochester 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's River or its tributaries. This posted summary may also contain any prohibitions enacted by local ordinance.