The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

September 21, 2004

LETTER OF DEFICIENCY #WSEB 04-158
CERTIFIED MAIL #7000 0600 0023 9932 8225

Donald Brickett
Baxter Lake Flowage Assoc
18 Fairfield Drive
Concord, NH 03301

Subject: Rochester – Public Water System: Baxter Lake Flowage Assoc (EPA #2007030)

Dear Mr. Brickett:

The records of the Department of Environmental Services (DES) show that Baxter Lake Flowage Assoc water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system serving 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit samples to the State laboratory or a State-certified laboratory for coliform bacteria analysis in compliance with NH Administrative Rule Env-Ws 325.

DES records show that Standard Maximum Contaminant Level (MCL) violations for total coliform bacteria, as defined in NH Admin. Rule Env-Ws 315.01 have occurred and that letters of violation were issued for the following months:

August 2004 and September 2004

DES believes the MCL violations can be corrected and future violations prevented by taking the following actions:

1. **By October 5, 2004**, retain the services of a qualified water system consultant to address the system's water quality problems relative to the recent bacteriological occurrences; and

2. **By October 19, 2004**, submit to DES for review a copy of the consultant's report which shall include recommendations to correct the bacteria contamination; and

3. **By October 29, 2004**, submit to DES for review and approval an implementation schedule which identifies specific dates by which steps to correct the bacteria contamination will be accomplished.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-3503 • Fax: (603) 271-5171 • TDD Access: Relay NH 1-800-735-2964
DES Web site: **www.des.nh.gov**

In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The copy of the consultant's written report **and the implementation schedule** as requested above should be addressed as follows:

Anne S. Bailey
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Please be reminded to carry out the public notice requirements and provide proof of public notice to DES for the August 2004 and September 2004 MCL violations.

Please contact Anne Bailey by phone at (603) 271-0672, or by e-mail at *abailey@des.state.nh.us* if you have any questions regarding this letter.

Sincerely,

COPY

Rene Pelletier, P.G., Manager
Land Resource Programs

Enclosures: MCL public notice form
Master Sampling Schedule

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cc: Gretchen R. Hamel, DES Legal Unit Administrator
City of Rochester Health Officer
Kenneth Grant, Sampling Agent (w/encl.)
EPA Region I