The State of New Hampshire

Department of Environmental Services

Michael P. Nolin
Commissioner

August 9, 2005

MITCH FOSTER
BIRCHES OF BENNINGTON CONDO ASSOC
BOARD OF DIRECTORS
BENNINGTON NH 03442

LETTER OF DEFICIENCY #WSEB 05-094
CERTIFIED MAIL # 7099 3400 0003 6156 2148

SUBJECT: BENNINGTON - EPA#: 0212030 Public Water System: BIRCHES OF BENNINGTON

Dear Owner:

The records of the Department of Environmental Services (DES) show that the subject 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 supplying 15 or more services, or 25 or more people, for 60 or more days per year. Pursuant to NH Admin. Rule Env-Ws 303.03, the water system owner is required to obtain a permit to operate from DES. This permit must be renewed by July 1 of each year. According to Env-Ws 303.03(e) the permit to operate for community water systems is calculated at $10 per service connection or household equivalent, to a maximum of $300.00.

DES records show that your PWS failed to pay for and obtain a permit to operate for state fiscal year 2006, which began July 1, 2005, and is, therefore, in violation of NH Admin. Rule Env-Ws 303.03. DES believes the permit to operate violation can be corrected by taking the following action:

> **By August 23, 2005, complete and sign the permit application, make any necessary corrections to the Contact Information Report, and pay the outstanding permit to operate fee of $210.00 for state fiscal year 2006.**

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

For your convenience, a new permit application and Contact Information Report are enclosed. Checks should be made payable to Treasurer, State of New Hampshire. Please include your system's EPA number on the check. The application, Contact Information Report, and fee should be sent to: Department of Environmental Services, Attn: Linda Thompson, Water Supply Engineering Bureau, 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095.

Please contact Linda Thompson at (603) 271-3544 or by email at lthompson@des.state.nh.us, if you have any questions regarding the permit to operate renewal process. 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

Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

Enclosure: Permit to Operate Application and Contact Information Report

cc: (all w/out enclosures)
Gretchen R. Hamel, DES Legal Unit
Health Officer for BENNINGTON
ROBERT GORDON, Primary Operator

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**