The State of New Hampshire

Department of Environmental Services

Michael P. Nolin
Commissioner

August 31, 2005

JAMES FITZPATRICK
MOODY POINT COMMUNITY ASSOC
GREAT NORTH PROPERTY MGT
95 BREWERY LN STE 10
PORTSMOUTH NH 03801

LETTER OF DEFICIENCY #WSEB 05-138
CERTIFIED MAIL # 7099 3400 0003 6156 1332

SUBJECT: NEWMARKET - EPA#: 1732010 Public Water System: MOODY POINT

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 service connections, or 25 or more people, for 60 or more days per year. Pursuant to NH Admin. Rule Env-Ws 352, the water system owner is required to issue to the system's customers a Consumer Confidence Report (CCR) by July 1st of each year. Env-Ws 352 also requires the system owner to forward a copy of the CCR to DES by July 1st of each year and to submit certification of the CCR to DES by October 1st of each year. DES records show that the subject water system failed to prepare and deliver the 2005 CCR to customers and DES by July 1, 2005. The failure to prepare and deliver the 2005 CCR places the water system in violation of Env-Ws 352. DES believes the CCR violation can be corrected and future violations prevented by taking the following actions:

1. **By September 16, 2005, prepare and deliver to the water system's customers and DES the 2005 Consumer Confidence Report containing calendar year 2004 drinking water information; and**
2. **By October 1, 2005, submit to DES the 2005 CCR certification.**

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

A CCR template with instructions is available for downloading free of charge at www.des.state.nh.us/wseb/ccr.htm. If your system uses the state laboratory, laboratory results are available from this website also. Please contact Richard Thayer at (603) 271-2950 or by email at rthayer@des.state.nh.us, if you have any questions regarding the preparation and certification of the 2005 CCR. The copy of the 2005 CCR and 2005 CCR certification as requested above should be addressed as follows: Department of Environmental Services, Attn: Richard Thayer, Water Supply Engineering Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095. If you have any questions concerning this letter, please contact Anne Bailey at (603) 271-0672 or by email at abailey@des.state.nh.us.

Sincerely,

COPY

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

cc: Gretchen R. Hamel, DES Legal Unit
EPA, Region 1
Health Officer for NEWMARKET
FORREST HARDARDT, Primary Operator
MARY JANE SEARFOORCE, Primary Contact

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