The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

Mr. Gene Frechette
Westwind Cottages
1614 Profile Rd
Franconia, New Hampshire 03580

LETTER OF DEFICIENCY
WMB PBF 05-13
September 1, 2005

Dear Mr. Frechette:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On August 15th, 2005, DES inspected the pool at the Westwind Cottages in Franconia, NH ("the Pool").

During this inspection, the following deficiencies were noted:

1. Env-Ws 1103.15(c) requires a free residual chlorine concentration between 1.0 mg/L and 3.0 mg/L in public pool water. The free chlorine residual of the Outdoor Pool water was approximately 0.62 mg/L on August 15th, 2005

2. Env-Ws 1103.15(d) requires a pH between 7.0 and 7.8 in public pool water. The pH of the Outdoor Pool water was 6.6 on August 15th, 2005.

3. Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Outdoor Pool at the time of the inspection.

4. Env-Ws 1104.03(e)(1) states that the depth of water in feet shall be plainly and conspicuously marked at or above the water line on the vertical pool wall and on the top of the coping or edge of the deck or walk next to the pool. The depth of the Outdoor Pool was not marked on the deck or vertical wall of the Pool.

5. Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Outdoor Pool did not include a working flow meter.

DES believes the cited deficiencies can be corrected prior to 2006 summer season. A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

1. The corrective measures that were taken to adjust the pH and chlorine levels in the pool.

2. A timetable of when:

   a. the sign indicating phone location will be in place;
   b. the depth will be marked;
   c. the flow meter will be fixed or replaced.

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Telephone: (603) 271-2457 • Fax: (603) 271-7894 • TDD Access: Relay NH 1-800-735-2964
DES Web site: **www.des.nh.gov**

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to $2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at http://www.des.state.nh.us/pools/env1100.pdf.

COPY

Sincerely,

Jody Connor
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 7408

Enclosures

cc: Gretchen R. Hamel, Legal Unit Administrator, DES
Tim Wilson, Public Bathing Facility Coordinator, DES
Susan Kurtz, Health Officer, Town of Franconia

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