The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

June 30, 2006

LETTER OF DEFICIENCY# WSEB 06-058
Certified Mail# 7099 3400 0003 6156 0311

COPY

Cynthia Smith
Coo-Coo's Nest Restaurant
PO Box 142
East Wakefield, NH 03830

Subject: Wakefield - Public Water System: Coo-Coo's Nest Restaurant (EPA# 2398140)

Dear Ms. Smith:

The records of the Department of Environmental Services (DES) show that the Coo-Coo's Nest Restaurant 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. As such, the water system is required to submit samples to the State laboratory or a State-certified laboratory for coliform bacteria analysis in compliance with NH Admin. Rule Env-Ws 325.

DES records indicate that the subject water system failed to submit bacteria samples for **May 2005, November 2005,** and **February 2006**, and as a result Monitoring/Reporting (M/R) violations were previously issued for those months. Additionally, an M/R violation has also occurred for **May 2006.**

In view of the M/R violations, DES believes the deficiencies can be corrected by taking the following action:

1. **By July 14, 2006**, submit a 'make-up" water sample for routine bacteria analysis to the state laboratory, or a state-certified laboratory, in accordance with NH Admin. Rule Env-Ws 325. Please use the enclosed analysis result form when submitting the bacteria sample to your laboratory.

Please continue to submit water samples according to the water system's Master Sampling Schedule, a copy of which is enclosed. Note that the schedule requires routine bacteria samples to be collected during the months of <u>February, May, August, and November</u>.

Pursuant to Env-Ws 351, a public water system is required to issue public notification whenever it has failed to monitor for bacteriological water quality. DES records show that the water system has failed to perform public notification for the May 2005, November 2005, and February 2006 monitoring violations as previously requested. Additionally, public notice for the May 2006 M/R violation is now required.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-3139 • Fax: (603) 271-5171 • TDD Access: Relay NH 1-800-735-2964
DES Web site: **www.des.nh.gov**

In view of the public notice violations, DES believes the deficiencies can be corrected, and future violations prevented, by taking the following actions:

2. **By July 14, 2006**, carry out the public notice requirements for the May 2005, November 2005, February 2006 and May 2006 Monitoring/Reporting violations, in accordance with the instructions on the enclosed public notice template; and

3. **By July 21, 2006**, provide proof of public notice to DES, in accordance with the instructions on the enclosed public notice template.

In the event compliance is not achieved within this period, DES may initiate formal action, including 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.

The Coo-Coo's Nest Restaurant is seriously out of compliance with Drinking Water Regulations. This requires your immediate attention. A copy of this Letter of Deficiency is being sent to the NH Department of Health and Human Services' Bureau of Food Protection/Licensing.

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

Sincerely,

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for Sarah Pillsbury, R.G., Administrator
Water Supply Engineering Bureau

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encl.: Master Sampling Schedule
Laboratory Analysis Form
Public Notice Template

cc w/o encl.: Gretchen R. Hamel, DES Legal Unit Administrator
DHHS Bureau of Food Protection/Licensing
Town of Wakefield Health Officer
EPA, Region 1