The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

August 11, 2006

LETTER OF DEFICIENCY #WSEB 06-079
Certified Mail #7000 1670 0001 2915 6250

Michael Whitcher
WHC Development
PO Box 69
Strafford, NH 03884

Subject: Rochester - Public Water System: Inn at Secretariat Estates (EPA #2004010)

Dear Mr. Whitcher:

The records of the NH Department of Environmental Services ("DES") show that the Inn at Secretariat Estates 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 owner is required to submit samples according to the system's established Master Sampling Schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rules Env-Ws 320 through 330.

The enforceable maximum contaminant level ("MCL") for Arsenic is 0.010 mg/L. For systems on quarterly monitoring, compliance with the MCL is determined by the running annual average ("RAA"). The RAA is defined as the average of sample results collected over the last 12 month period. DES has determined that the most recent RAA for Source 501, DEP Tap in Pumproom/001 and 002 to be 0.025 mg/L. As such, the Inn at Secretariat Estates has exceeded the Arsenic MCL and a violation of Env-Ws 326.10 has occurred.

Please note that your water system received a Notice of Violation (NOV), dated July 14, 2006, for a second quarter 2006 MCL violation for Arsenic, which required public notice to be performed by August 14, and to provide our office with a copy no later than 10 days after performing notice. If you have not done so already, please perform public notice and submit proof of public notice to DES in accordance with the instructions on the public notice template previously sent to you.

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

1. **By *September 11, 2006***, retain the services of a qualified consultant to address the water quality violation(s) and notify DES, in writing, of the name of the consultant hired. The consultant should review all existing water quality data and all feasible options prior to

making recommendations to the owner for correcting the MCL violation(s). Guidance on options to correct the MCL violation and the recommended contents of a consultant's report are enclosed; and

2. **By *November 13, 2006***, submit to DES the consultant's report, which shall contain the consultant's evaluation of feasible options, cost estimates, identification and justification of which option the owner has selected to implement, along with a timeline and final correction date to resolve the MCL violation(s). A maintenance schedule must be included if treatment is proposed. DES will approve the consultant's report, in writing, and specify the next submission deadline. A consultant's report determined to lack comprehensiveness will not be approved; and

3. **By the submission date established by DES** in the above-mentioned approval letter, submit to DES all engineering/technical documents for the design of the selected option. DES must review and approve, in writing, any engineering/technical documents prior to the commencement of any work on the system. Note that engineering plans for systems serving more than 50 service connections or 20,000 gpd must be stamped by a professional engineer; and

4. **By the DES-approved correction date**, take the corrective action as approved by DES. Notify DES in writing upon completion of the action(s) taken; and

5. Continue to sample in accordance with your Master Sampling Schedule, which includes quarterly sampling for Arsenic.

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

All information as requested above should be addressed as follows or faxed to (603) 271-5171:

Leah McKenna
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

For your information, a fact sheet on Arsenic is available at: *http://www.des.state.nh.us/ws.htm*, which includes general information, health effects and removal options. Also enclosed is a summary of the expected content of consultant report submittals for your review. Please be reminded that proposed treatment alternatives should take into consideration all water quality parameters as well as current and future quantity needs.

In addition to your operator, assistance may be available to you through a variety of sources. DES staff member Cindy Klevens, P.E may be able to answer questions concerning treatment for the aforementioned contaminant(s). She may be reached at (603) 271-3108 or via email at *cklevens@des.state.nh.us*. Also, financial, managerial and technical assistance is available through either of two government funded technical assistance providers. These are Granite State Rural Water Association ((603) 753-4055) and RCAP Solutions, Inc. (1-800-488-1969). Health related questions may be directed to Dave Gordon of the DES Bureau of Environmental and Occupational Health whose number is (603) 271-4608. If you have any questions regarding this letter, please contact Leah McKenna, at (603) 271-0655 or by email at *lmckenna@des.state.nh.us*.

Sincerely,

COPY

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

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Encl Report submittal information sheets

cc w/ encl(s): Michael Cooper, Primary Operator

cc: Gretchen R. Hamel, DES Legal Unit Administrator
Larry Hamer, City of Rochester Health Officer
EPA, Region 1
File

ec: Cindy Klevens, P.E., DES
Dave Gordon, DES BEOH
Jack Shields, GSRWA
Robert Morancy, RCAP Solutions, Inc.