The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

January 30, 2006

LETTER OF DEFICIENCY #WSEB 06-014
Certified Mail #7099 3400 0003 6156 6313

Thomas Behrens
Mountain Spirits LLC
1407 Rte 103
Newbury, NH 03255

Subject: Newbury - Public Water System: Murphys Grille (EPA #1658110)

Dear Mr. Behrens:

The records of the NH Department of Environmental Services (DES) show that the Murphys Grille 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 owner is required to submit chemical samples according to the system's established Master Sampling Schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326. Pursuant to Env-Ws 351, the failure to submit a chemical sample requires that public notice of such failure be given to all consumers.

DES records show that the subject water system failed to submit the following chemical sample result for the following monitoring period:

Quarter 2 2005 – Nitrate

As a result of the failure to submit the above-described sample, a **Notice of Violation (NOV),** dated **July 21, 2005** was sent to you (copy enclosed). The NOV requested that you immediately submit the above-described sample as a **make-up sample.** To date, DES has not received the make-up sample result, thus placing the water system in violation of Env-Ws 326.

DES believes the monitoring/reporting deficiencies can be addressed by taking the following actions:

1. **By February 10, 2006,** submit the **Nitrate** sample as a **"make-up sample"** to the State laboratory or a State-certified laboratory. Please use the enclosed analysis result form when submitting the sample to your laboratory; and

2. **By February 10, 2006,** provide public notice to the consumers, and submit proof of public notice to this office following the guidelines on the enclosed public notice handout.

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.

Please note that submission of the 2005 Nitrate "make-up sample" does NOT relieve you of your obligation to submit a 2006 Nitrate sample during the Second Quarter (April to June). To assist you in complying with your monitoring requirements, a copy of your Master Sampling Schedule is enclosed.

The proof of public notice as requested above should be addressed as follows or faxed to (603) 271-5171:

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

If you have any questions regarding this letter, please contact Allyson at (603) 271-0655 or by email at *agourley@des.state.nh.us*.

Sincerely,

COPY

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

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Encl: Notice of Violation, dated July 21, 2006
Analysis Request Form – make-up version
Public Notice Form
Master Sampling Schedule

cc w/ encl(s): Kevin Martin, Sampling Agent

cc: Gretchen R. Hamel, DES Legal Unit Administrator
M. Scott Nelson, Newbury Health Officer
EPA, Region 1
File