The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

November 22, 2004

Michael Lalumiere, Chairperson
Town of Whitefield, Board of Selectmen
7 Jefferson Road
Whitefield, NH 03598

NOTICE OF PAST VIOLATION

Re: November 14, 2004 Overflow
Whitefield WWTF - NPDES Permit No. NH0100510

Dear Mr. Lalumiere:

The Department of Environmental Services (DES) has received the November 16, 2004 correspondence from the town of Whitefield (the Town) regarding the November 14, 2004 overflow of approximately 100,000 gallons of raw sewage discharged into the Johns River. Through this Notice of Past Violation, DES is documenting that a violation has occurred with this unpermitted discharge. Specifically, per RSA 485-A:13 it is unlawful for any entity to discharge any sewage or waste to the surface water of the state without a permit. Though the Town does have a NPDES Permit (adopted as a state discharge permit), it does not provide coverage for these kinds of unpermitted discharges or releases.

DES is putting the Town on notice that overflow events such as this one and those that have been experienced by the Town in the past may result in the imposition of a fine (including, but not necessarily limited to imposition of a fine amount per citation Env-C 603.05). Consideration will be given to the nature of such events, actions taken to prevent such events, actions taken to address events that were not prevented, among other factors. In this context, it is requested that the Town evaluate appropriate preventive measures and provide DES with an action plan within 60 days to prevent such discharges in the future.

This letter does not preclude further action on the part of DES or EPA for this or any other overflow event. If you have any questions regarding this Notice of Past Violations, please contact Stergios Spanos at (603) 271-6637.

Sincerely,

COPY

John R. Bush, P.E., Administrator
Wastewater Engineering Bureau

cc: Joy Hilton – USEPA, Water Technical Unit
William Robinson, Superintendent, Whitefield
Gretchen Hamel – DES Legal Unit

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