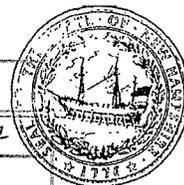




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

N.H.P.U.C. Case No. DW 09-177

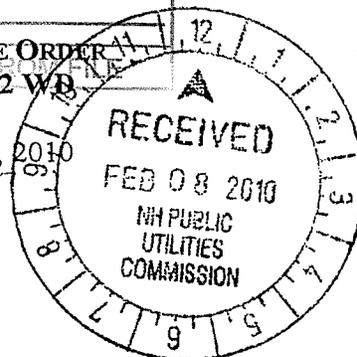
Exhibit No. #1

Witness

ADMINISTRATIVE ORDER
No. 10-002 WB

February 3, 2010

COPY



North Country Water Supply, Inc.
Attn: Stanley H. Oliver, President
Post Office Box 180
Barrington, NH 03825

Re: Bow Lake Estates Water System
Bow Lake Estates Road, Strafford, NH
EPA# 2212010

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division, to North Country Water Supply, Inc. pursuant to RSA 485:58. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly-constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive in Concord, New Hampshire.
2. North Country Water Supply, Inc. ("North Country") is a New Hampshire corporation having a mailing address of Post Office Box 180, Barrington, NH 03825. Stanley Oliver is the president of North Country.

C. STATEMENTS OF FACTS AND LAW

1. Pursuant to RSA 485, DES regulates public water supplies. Pursuant to RSA 485:3, the Commissioner of DES has adopted NH CODE ADMIN. RULES Env-Ws 300 ("Drinking Water Rules") to implement this program.
2. Env-Ws 302.10 defines "community water system" to mean "a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents."
3. North Country is the owner of a public water system that consists of 41 year-round single family homes serving an estimated population of 95 people located on Bow Lake Estates Road in Strafford, New Hampshire (the "Water System"). Stanley H. Oliver is the designated representative of North Country for drinking water issues.
4. The Water System is a community water system as defined in Env-Ws 302.10.
5. Env-Ws 360.15 requires the owner of a community water system to prepare an emergency plan that addresses emergency situations including, but not limited to, a failure or significant interruption in key water treatment processes, a natural or man-made disaster that disrupts the

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964

water supply distribution system, or the accidental or intentional contamination of a water system's source water.

6. Env-Ws 360.15(e) requires the owner of a community water system in existence prior to April 6, 2002 to submit an emergency plan to DES by April 6, 2003.

7. DES records show that the Water System was in existence prior to April 6, 2002. North Country submitted its first emergency plan for the Water System on August 11, 2003.

8. Env-Ws 360.15(j) requires the owner of a community water system to file the most recent emergency plan with DES at least once every 6 years. North Country was required to file the Water System's current emergency plan with DES by April 6, 2009.

9. On January 21, 2009, DES sent a letter to North Country reminding it of the requirements of the emergency plan rule, noting the deadline for submission of a copy of an emergency plan to DES, and stating how to obtain assistance in preparing an emergency plan.

10. DES has no record of receiving a copy of a current emergency plan for the Water System from North Country on or before April 6, 2009.

11. On May 18, 2009, DES issued a Notice of Violation ("NOV") to Stanley Oliver for the failure to submit the Water System's emergency plan to DES by April 6, 2009. In the NOV, DES explained the violation, stated how to obtain assistance in preparing an emergency plan and requested that a copy of the Water System's current emergency plan be submitted to DES by June 15, 2009.

12. DES has no record of receiving a copy of a current emergency plan for the Water System from North Country on or before June 15, 2009.

13. On June 23, 2009, DES issued Letter of Deficiency ("LOD") No. DWGB 09-098 to Stanley Oliver for failure to submit the Water System's current emergency plan to DES by April 6, 2009. In LOD No. DWGB 09-098, DES stated how to obtain assistance in preparing an emergency plan and requested that North Country submit a copy of the Water System's emergency plan to DES by July 17, 2009.

14. North Country received LOD No. DWGB 09-098 on June 24, 2009, as evidenced by a postal receipt signed by "Stan Oliver."

15. DES has no record of receiving a copy of a current emergency plan for the Water System from North Country on or before July 17, 2009.

16. On August 5, 2009, DES sent a certified letter to Stanley Oliver reminding him of the requested action specified in LOD No. DWGB 09-098. In the letter, DES stated it was reviewing its enforcement action options to pursue against the owner for failing to comply with the Drinking Water Rules and that the owner's response to the reminder letter would be factored into any decision.

17. North Country received the certified letter on August 7, 2009, as evidenced by a postal receipt signed by "Stan Oliver."

18. DES has no record of receiving a copy of a current emergency plan for the Water System from North Country, to date.

D. DETERMINATION OF VIOLATIONS

1. North Country Water Supply, Inc. violated Env-Ws 360.15(j) by failing to submit to DES a copy of the Water System's current emergency plan by April 6, 2009.

E. ORDER

Based on the above findings and determinations, DES hereby orders North Country as follows:

1. **Within 30 days from the date of this Order**, North Country shall submit to DES an emergency plan for the Water System that meets the requirements of Env-Ws 360.15.

2. North Country shall send all correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows: **Alan Leach, DES Water Division, P.O. Box 95, Concord, NH 03302-0095 ~ Fax: (603) 271-5171 ~ E-mail: alan.leach@des.nh.gov.**

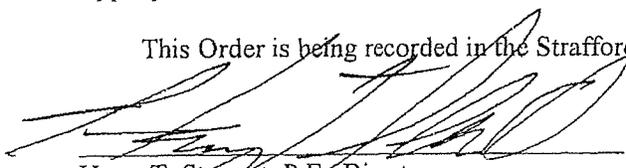
F. APPEAL

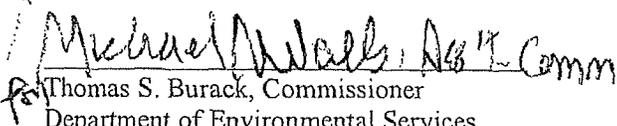
Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://des.nh.gov/organization/commissioner/legal/rules/index.htm> (scroll to end of page). Appealing the Order does not automatically relieve North Country of the obligation to comply with it.

G. OTHER PROVISIONS

Please note that RSA 485:58 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. North Country remains obligated to comply with all applicable drinking water statutes and rules. DES will continue to monitor compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Strafford County Registry of Deeds so as to run with the land.


Harry T. Stewart, P.E., Director
Water Division


Thomas S. Burack, Commissioner
Department of Environmental Services

cc: DES Legal Unit
Select Board, Town of Strafford
Douglas Brogan, NH Public Utilities Commission

cc: Public Information Officer, DES PIC Office
K. Allen Brooks, Chief, AGO-Env. Protection Bureau
EPA, Region 1