

Abenaki Water Company and Aquarion Company

DW 21-090

Abenaki Water Company and Aquarion Company's Responses to Technical Session —Set 2

Data Request Received: October 25, 2021
Request No.: Omni-TS 2-1
Page 1 of 1

Date of Response: November 1, 2021
Witness: Nicholas LaChance/ John Walsh

REQUEST: Refer to the response to Omni 1-2. Please provide the letter agreement with FX Lyons on its availability to address emergencies on the Rosebrook Water System.

RESPONSE: Please refer to Omni TS 2-1 Attachment 1. As stated in the response to Omni 1-2, Abenaki will seek additional support from other nearby contractors and utilities to ensure proper emergency response.

DW 21-090

Exhibit 34

Docket No. DW 21-090

Omni TS 2-1 Attachment 1

Page 1 of 1

FXLyons
Inc.
Water & Pump Services
www.fxlyons.com

24-Hour Service Tel: (603) 356-6767

Fax: (603) 356-5107

Email: fxlyons@hotmail.com

389 NH Rte. 16/302

P.O. Box 280

Intervale, NH 03845-0280

September 30, 2021

Mr. Nick LaChance
New England Service Company

nlachance@newenglandservicecompany.com

Re: Rosebrook Water System

Dear Nick:

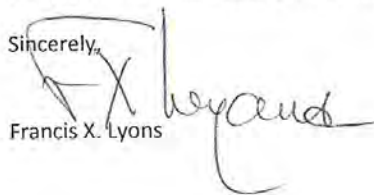
I have discussed with my staff the possibility of entering an agreement to provide emergency service at Rosebrook Water. Our concern is that we have only one technician on-call for weekend and overtime coverage. We are the Certified System Operator for 50 other community systems to which we also provide emergency response. Even if there was no other conflicting event, our on-call technician would undoubtedly need assistance from another technician and might not find anyone available.

Over the past years, we have responded to various emergencies and projects at Rosebrook Water and will continue to do so. However, I am uncomfortable about committing to a contract to provide a service when we cannot guarantee that our response will be as timely as would be expected. That being said, we will respond to emergencies at Rosebrook as long as we have personnel available. Our current rates are \$80 per man per hour straight-time and \$120 per man overtime with travel time billed to and from the job site.

I would be happy to discuss this further to develop an informal agreement that addresses my concerns and yet satisfies the Public Utilities Commission requirements.

Sincerely,

Francis X. Lyons



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Abenaki Water Company and Aquarion Company

DW 21-090

Abenaki Water Company and Aquarion Company's Responses to Technical Session —Set 2

Data Request Received: October 25, 2021
Request No.: Omni-TS 2-2
Page 1 of 1

Date of Response: November 1, 2021
Witness: Nicholas LaChance/ John Walsh

REQUEST: Refer to the response to Omni 1-10. Please provide the schedule agreed to with the Department of Environmental Services (“DES”) to address pressure reduction projects on the Rosebrook Water System.

RESPONSE: DES issued an Amended Letter of Deficiency on October 20, 2021 that included an amended project scope and schedule based on discussions among the parties on September 24, 2021. Please refer to Omni TS 2-2 Attachment 1.



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



October 20, 2021

AMENDED
LETTER OF DEFICIENCY #DWGB 20-032
Certified Mail #7017 3040 0000 7493 1475

Donald Vaughan
Abenaki Water Co
32 Artisan Ct, Ut 2
Gilford, NH 03249
Also via email: dvaughan@newenglandservicecompany.com

Subject: Carroll - Public Water System: Rosebrook Water (PWS ID: 0382010)

Dear Mr. Vaughan.:

On December 1, 2020, the Department of Environmental Services (“DES”) issued Letter of Deficiency (“LOD”) #DWGB 20-032 to you, on behalf of Abenaki Water Co., regarding unresolved significant deficiencies for the Rosebrook Water public water system. In the LOD, DES noted the three deficiencies identified and documented by DES during a sanitary survey inspection on March 29, 2019. In the LOD, DES explained the failure to correct the deficiencies within 120 days of being notified of the deficiencies, or compliance with an approved Corrective Action Plan (“CAP”), resulted in the Water System incurring a treatment technique violation, in accordance with Env-Dw 717.22(d) and Env-Dw 720.14(a)(1).

The three significant deficiencies identified during the March 29, 2019 Sanitary Survey are as follows;

Significant Distribution Deficiency

The Water System’s pressure exceeds the regulatory limit specified in Env-Dw 404.01(a), *Design Standards for Large Public Water Systems*. More specifically, regulations outlined in the *Recommended Standards for Water Works* requires the normal working pressure to be approximately 60 to 80 psi, with a maximum of 100 psi and minimum of 35.

Significant Treatment Deficiency

During the inspection, there was no chemical containment at the well station for the storage of chemicals or at the bulk mixing tank. Chemical containment is required for operator safety and for preventing potential groundwater contamination should a spill occur. *The Recommended Standards for Water Works*, as referenced in Env-Dw 404.01(a), requires that chemical containment be provided for 100% of the volume of the largest container.

Operation and Maintenance Inadequate

Both of the chemicals used for treatment at the Water System, soda ash and NaOCl, are mixed in the same tank. Due to the chemical mixing, the recording of the daily quantities for NaOCl, required per Env-Dw 503.10, *Public Water System Operational Requirements*, are more of an estimate than an accurate quantity. Additionally, the mixing tank makes it difficult to hold a consistent chlorine residual.

On September 24, 2021, a conference call was held between representatives from DES, Abenaki Water Co., Aquarion Water Company, and New England Service Co., to discuss the intended phases and schedule of a water infrastructure improvement project, to correct the deficiencies.

In light of the project scope and schedule discussed and approved amongst the parties on September 24, 2021, DES hereby amends the LOD according to the actions and deadlines as follows:

www.des.nh.gov
29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: 271-2867 • TDD Access: Relay NH 1-800-735-2964

Amended Letter of Deficiency #DWGB 20-032
Rosebrook Water, Carroll
Page 2 of 2

DEADLINE	ACTION
January 7, 2022	Provide repeat public notice to consumers for the failure to correct the noted significant deficiencies within 120 days and provide proof of public notice to NHDES, per the instructions on the downloadable template here . Should you receive this letter in paper form, please call and we can assist you in locating the form on our website. The deadline is based on receipt of repeat public notice on October 7, 2021.
Continue to perform public notice every 3 months for as long as the deficiencies are unresolved and submit proof of public notice to NHDES, in accordance with the instructions provided on the public notice template available as indicated above.	
December 15, 2021	Submit to DES, in writing, confirmation of the project scope including a description of the anticipated improvements for correction of the three significant deficiencies.
March 15, 2022	Submit to DES a Basis of Design (“BOD”) report for the selected solution, including design criteria and permitting requirements.
July 15, 2022	Submit to DES design plans and specifications for the selected solution. If a phased solution is selected, the plans and specifications will include only the Phase 1 elements.
By the DES-approved correction date(s)	Complete the actions as approved by DES and submit documentation upon correction of each significant deficiency.

Please note that NHDES may initiate formal action for this violation, including issuing an order requiring the deficiencies to be corrected, proposing an administrative fine of up to \$4,000 per violation, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

All information requested above should be addressed or emailed as follows:

Emily Jones, Enforcement Supervisor
NH DES Drinking Water and Groundwater Bureau
PO Box 95, Concord, NH 03302-0095
Email: Emily.M.Jones@des.nh.gov

DES records indicate that the Water System currently holds an SOC chemical monitoring waiver, which expires December 31, 2021. Please note that systems with unresolved significant deficiencies identified by DES may be denied requests for an SOC monitoring waiver, per Env-Dw 712.20(c). For water system’s with open deficiencies or violations, renewal of a waiver application is based on the system’s specific compliance status at the time of renewal.

Please contact Randy Suozzo at (603) 271-1746 or by email at randal.a.suozzo@des.nh.gov, if you have any questions regarding the deficiencies or water system project. If you have any other questions regarding this letter, please contact Emily Jones by email at Emily.M.Jones@des.nh.gov, or by phone at (603) 271-4109.

Sincerely,



Brandon Kern, P.G., Administrator
Drinking Water and Groundwater Bureau

cc: NHDES Legal Unit File
ec: Taylor Deogburn, Primary Operator, tdeogburn@newenglandservicecompany.com
Health Officer, Town of Carroll, twinmountainfireambulance@gmail.com
Randy Suozzo, P.E., DES/DWGB, Engineering and Survey Section
EPA, Region 1