

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Case No. **DW 08-070**
Exhibit No. **3**
Jury SS.

EXHIBIT 3

10-10-10

10-10-10

LAKES REGION WATER COMPANY, INC.

MEMO

10/28/08

From: Tom Mason, Jr

To: Norm Roberge

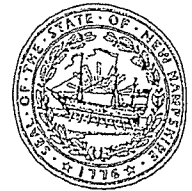
Subject: 175 Estates water treatment permitting

All required information requested by NHDES has been submitted to Bernie Lucey of NHDES. I have been trying to reach him for the last couple of days to inquire about the permit for the treatment system at 175 Estates.

Have not been successful in making contact. Will call him again tomorrow



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

April 25, 2006

Fred Malatesta
Lakes Region Water Company, Inc.
P.O. Box 389
420 Governor Wentworth Highway
Moultonborough, NH 03254

**Subject: CWS TUFTONBORO/WOLFEBORO: Hidden Valley/Mason;
EPA ID: 2372020
New Bedrock Well 5; NHDES #996114**

Dear Mr. Malatesta:

The purpose of this letter is to conditionally approve the subject well for the Hidden Valley/Mason system in Tuftonboro/Wolfboro. This decision is based on a review of the April 14, 2006 final well siting report and the March 16, 2006 Water Conservation Plan submitted to meet the requirements of New Hampshire Administrative Rules Env-Ws 378, *Site Selection of Small Production Wells for Community Water Systems* and Env-Ws 390, *Water Conservation Rules*.

Water Conservation Plan Approval:

The March 16, 2006 Water Conservation Plan (WCP) for the subject water system is approved as proposed. The Plan shall be implemented when the new well is connected to the water system. Every three years from the date of this letter the water system shall supply the New Hampshire Department of Environmental Services (NHDES) with documentation of compliance with the plan. This information shall be supplied on a form provided by NHDES and shall include contact information for the water system owner and the person responsible for carrying out the tasks of the plan, all data relating to leak detection, water use audits, and meter reading, if applicable, and the dates these tasks were performed. The attached on-going compliance form for your system's WCP is provided to assist in tracking performance of the provisions of your WCP and reporting purposes to NHDES.

Well Siting Approval:

The new well is approved subject to the conditions listed below.

- Since the projected 180-day drawdown in BRW 5 is approximately 270 feet below the top of the casing (btoc), the permanent pump shall be installed in the well at an elevation of at least 300 feet btoc.
- Treatment for manganese, as approved by Water Supply Engineering Bureau, shall be installed upon connection of the well to the water system.
- For the first six months that this new source is connected to the distribution system, the system shall perform monthly source sampling for Total Coliform and E. Coli. See the enclosed water quality monitoring form.
- NHDES records indicate that the water system is not currently a registered water user, yet meter readings indicate total water use for your system is greater than 20,000 gallons per day (gpd) when averaged over seven days during specific times of the year; therefore, you must register and report your water use to the NHDES Water Use Registration Program. Contact Deb McDonnell at 603-271-4086 or by email at dmcdonnell@des.state.nh.us for information about registering your water use. Additional information can be found at <http://www.des.state.nh.us/factsheets/geo/geo-4.htm>.

Please note that the emergency plan must be updated to reflect the addition of the new well. This plan must continue to be updated and submitted to NHDES in March once every 6 years. The regulation (Env-Ws 360.15) requires the plan to be reviewed annually by the system and updated as needed. Additionally, the plan will be a checklist item during each sanitary survey and lack of one will be a survey deficiency. Guidance documents and other emergency planning information are available at the following website: <http://www.des.state.nh.us/wseb/EmergencyPlanning/index.asp>. You may contact Johnna McKenna at 603-271-7017 or jmckenna@des.state.nh.us for more information or assistance in completing emergency planning for your water system.

A copy of this letter should be kept on file with the water system's records for future reference and as an aid to meeting the NHDES source water protection requirements.

Please note that the wells must be connected to a distribution system in accordance with Env-Ws 372, *Design Standards for Small Public Drinking Water Systems*. See the enclosed connection requirements fact sheet for more information.

Source Specifications:

Well Number	Well Status	Permitted Production Volume (PPV)	Sanitary Protective Area Radius	Wellhead Protective Area Radius	Source Description
BRW 5	New Well on Existing System	14,400 Gallons	150 feet	1,500 Feet	BRW 5, 2168' NE of Hidden Valley pumphouse

The previous table outlines the specifications for the new well. The Permitted Production Volume (PPV) is the maximum volume that may be pumped in any 24-hour period. The PPV for the well is as shown above. The total volume withdrawn from the well in any 24-hour period may not exceed 14,400 gallons.

The sanitary protective area for the new well is a circle, centered on the well, with the radius listed in the above table. The sanitary protective area shall remain in a natural state and under the water system's control at all times. Please note that NHDES may initiate enforcement action if the system does not maintain the SPAs in a natural state.

The Wellhead Protection Area for the new well is a circle, centered on the well, with the radius shown above. This is the area within which educational materials must be periodically distributed as part of the wellhead protection program. The first round of educational materials must be distributed within **3 months** of connection of the new source to the distribution system and every 3 years thereafter.

Chemical Monitoring Program:


Well Number	Well Status	Laboratory Name and Sample Numbers
BRW 5	New Well on Existing System	NHDES: A97676-1, 2, 3, 4 NHDES: B1434-1 A&L: 23725

The September 15, 2005, November 21, 2005 and the February 17, 2006 water quality sample results for the new well will be forwarded to the NHDES Chemical Monitoring Program. The sample identification numbers are listed in the table above. Chemical Monitoring staff will be contacting you shortly with a Master Sampling schedule. You must add a sampling tap to the new well and you must contact staff so that the schedule will accurately reflect the correct sampling locations.

If you have any questions about the Chemical Monitoring requirements, contact Allyson Gourley at 271-0655 or by email at agourley@des.state.nh.us. Please note that NHDES may initiate enforcement action if the system fails to implement a chemical monitoring program that includes the new wells.

If you have any questions about this approval or any other well siting issues feel free to call me at 271-3918 or email me at sroy@des.state.nh.us.

Sincerely,


Stephen Roy, PG
Water Supply Engineering Bureau

Fred Malatesta, LRWC
Hidden Valley / Tuftonboro
April 25, 2006
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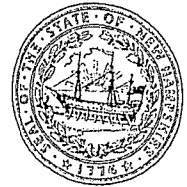
Cc: Jim Gill, WSEB

Allyson Gourley, Kevin Riel, Laurie Cullerot, Johnna McKenna, Danielle Mann,
Barbara Davis, Deb McDonnel; NHDES

Encl. WCP compliance form and cover
Conditional Water Quality Monitoring Form
Connection Requirement Fact Sheet



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 24, 2008

Tom Mason Sr. and Jr.
Lakes Region Water Co. Inc.
420 Gov. Wentworth Hwy
PO Box 389
Moultonborough, NH 03254

Subject: **PWS OSSIPEE: Indian Mound Golf Club; EPA ID: 1842030; DES 998169**
Replacement of Existing Point Wells PTW1 and PTW2 with GPW1

The purpose of this letter is to conditionally approve the subject replacement well for the Indian Mound Golf Coarse community water system in Ossipee. This decision is based on a review of materials submitted to meet the requirements of New Hampshire Administrative Rules Env-Ws 378, *Site Selection of Small Production Wells for Community Water Systems*. The well siting approval is subject to the conditions listed below.

- Total withdrawal from the system shall not exceed 28,000 gallons in any 24-hour period. When the water system begins serving a sufficient number of customers such that the water use exceeds 20,000 gallons per day, you must register and report your water use to the NHDES Water Use Registration Program. Contact Deb McDonnell at 603-271-4086 or by email at dmcdonnell@des.state.nh.us for information about registering your water use. (<http://www.des.state.nh.us/factsheets/geo/geo-4.htm>).
- PTW 1 and PTW 2 shall be formally deactivated by removing at least six inches of service pipe or removal of the inline meter, and capping the open line. PTW1 and PTW 2 shall be designated as "Emergency" wells. As such the water system will not be required to routinely sample the well for water quality. Contact Linda Thompson at 271-3544 when these wells have been deactivated. Note that these points wells must be maintained in accordance with the requirements of New Hampshire Administrative Rules We 603, *Well Maintenance*, if they are not maintained in the above manner they must be decommissioned in accordance with water well rules.
- Since the estimated water level elevation at the end of pumping was approximately 23' below top of casing (btoc), the permanent pump in GPW1 must be set at least 35' btoc.

Please note that the emergency plan must be updated to reflect the addition of the replacement well. This plan must continue to be updated and submitted to NHDES in March once every 6 years. The regulation (Env-Ws 360.15) requires the plan to be reviewed annually by the system and updated as needed. Additionally, the plan will be a

checklist item during each sanitary survey and lack of one will be a survey deficiency. Guidance documents and other emergency planning information are available at the following website: <http://www.des.state.nh.us/wseb/EmergencyPlanning/index.asp>. You may contact Johnna McKenna at 603-271-7017 or jmckenna@des.state.nh.us for more information or assistance in completing emergency planning for your water system.

A copy of this letter should be kept on file with the water system's records for future reference and as an aid to meeting the NHDES source water protection requirements.

Source Specifications:

Well Number	Well Status	Permitted Production Volume (PPV)	Sanitary Protective Area Radius	Wellhead Protective Area Radius	Source Description
GPW 1	Replacement Well on Existing System	28,000 Gallons	175 feet	2,050 Feet	GPW 1, 30' E of pumphouse

The previous table outlines the specifications for the replacement well. The Permitted Production Volume (PPV) is the maximum volume that may be pumped in any 24-hour period. The PPV for the well is as shown above, the total volume withdrawn from the well in any 24-hour period may not exceed 28,000 gallons.

The sanitary protective area for the replacement well is a circle, centered on the well, with the radius listed in the above table. Existing structures and an existing parking lot are in the sanitary protective areas, therefore, the well has been and shall remain ineligible for a volatile organic compounds (VOC) sampling waiver. In addition, although current golf course maintenance practices do not include application of pesticides or fertilizers in the vicinity of the well and, since there is no deed restriction in place that expressly prohibits these chemicals from being applied, the well shall be ineligible for a synthetic organic compounds (SOC) sampling waiver. The Wellhead Protection Area for the replacement well is a circle, centered on the well, with the radius shown above. This is the area within which educational materials must be periodically distributed as part of the wellhead protection program. The first round of educational materials must be distributed by March 23, 2010.


The August 20, August 26 and December 7, 2007 water quality results indicate that the subject well does not require treatment at this time. Upon completion of system upgrades and design changes, ensure that the replacement well has a source sampling tap. Chemical Monitoring staff will be contacting you with a revised Master Sampling schedule. You must contact staff so that the schedule will accurately reflect the correct sampling location. If you have any questions about the Chemical Monitoring requirements, contact Trisha Madore at 603-271-3907 or at tmadore@des.state.nh.us.

Tom Mason Sr. and Jr.
Indian Mound Golf Club / Ossipee

January 24, 2008
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If you have any questions about this approval or any other well siting issues feel free to call me at 271-3918 or email me at sroy@des.state.nh.us.

Sincerely,



Stephen Roy
Drinking Water and Groundwater Bureau

Cc: Tom Mason Jr. LWRC
Linda Thomson/Laurie Cullerot, Johnna McKenna, Deb McDonnel NHDES

Electronic Copies: Jim Gill, Kevin Reil, Suzanne Picone, Trisha Madore NHDES

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