

**Nashua Supplemental Response to 3-34**

**Exhibit 6**

City of Nashua

*Petition for Valuation Pursuant to RSA 38:9*

DW 04-048

Nashua's Responses to Pennichuck Water Works, Inc. Data Requests – Set 3 Round 2

Date Request Received: January 26, 2006

Date of Response: February 6, 2006

Request No. 3-34

Respondents: Philip G. Ashcroft,  
David W. Ford, P.E., Robert R.  
Burton, Paul F. Noran, P.E.

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Req. 3-34 Please identify any citations issued by the Environmental Protection Agency, any agency of the U.S. Department of Labor, or any state environmental, labor, or safety-related agency since 1996 against Veolia or any owner or operator of any water or wastewater system for which Veolia has or had any operation, maintenance or oversight responsibilities

OBJECTION: Nashua objects to this request on the grounds that it is overbroad, unduly burdensome, and not relevant to this proceeding. As noted in Nashua's objection to data request 3-1, Veolia, through its subsidiaries, operates over 400 water or wastewater systems in the United States alone. See Nashua's objection to data request 3-1.

ANSWER: *Without waiving the foregoing objection, Nashua provides the following response:*

This data request seeks information concerning all of Veolia's operations in the United States that is not readily available to Veolia Water North America – Northeast LLC. However, we expect to provide information responsive to this request as it relates to the operations of Veolia Water North America – Northeast LLC no later than February 16, 2006.

## Fines, Penalties, or Settlements

Safety & Environmental Compliance Citations			
Year	Facility	Violation	Fine or Penalty
<b>Veolia Water North America Operating Services</b>			
2005	Tonawanda, NY	Permit exceedances / excursion	\$1,000
2005	Smithfield, RI	Release of sludge	\$6,500
2005	Brockton, MA	Floor opening issue, contractor construction housekeeping issue (materials on walkway), and wet work area safety hazards	\$4,050
2005	Auburn, AL	Documentation omissions – Risk Management Plan	\$855
2005	Moore, OK	Overflow of lift station	\$2,500
2005	Petaluma, CA	NPDES permit violations Jan-2001 to April 2004	\$87,000
2004	Wilmington, DE	Permit violations for excursions of individual parameters in March, April, and May of 2003. Includes an overflow/bypass episode deemed "preventable" by the DNREC	\$60,000
2004	IBWC – San Diego, CA	Confined space and powered industrial truck deficiencies	\$9,400
2004	Cranston, RI	Stairway, exit, machine guarding, electrical/circuit, emergency shower/eyewash, and respirator issues.	\$3,937
<b>USFilter Operating Services, Inc.</b>			
2003	SUN Marketing & Refining Wastewater Treatment Plant; Oregon, OH	Expired operating permit at Scaltech facility. <i>(This was actually identified during USFilter acquisition of Scaltech and resolved by USFilter – post acquisition. i.e. an inherited liability matter).</i>	\$15,000
2003	SUN Marketing & Refining Wastewater Treatment Plant; Oregon, OH	(Incident occurred March 2000) - environmental release (fugitive emissions) due to fire/explosion. NESHAPS – monitoring, recordkeeping and reporting violations.	\$60,000
2003	Clintwood, VA	Lack of secondary containment around bulk diesel tank.	Citation. No fine.
2003	Neville Island, PA	Trenching & Shoring deficiencies – Safety /OSHA	\$7,000
2003	Richmond, CA*	Self-Monitoring Report issues (2002)	\$21,000
2003	Wilmington, DE	Pump failure at remote lift station resulted in bypass to adjacent river.	Citation; \$95
2002	Ewa Beach, HI	Safety Program deficiencies; Emergency Response, Lockout/ Tagout, Bloodborne Pathogens, Ladder issue.	\$595
2002	Wilmington, DE	Odor Complaint.	Citation; \$75.00
2002	Pikeville, KY	Signatory Issue - For safety reasons, USFOS converted from chlorine gas to a sodium hypochlorite disinfection system. New system was prematurely placed on-line without final seal and signature of design engineer.	Fine Paid: \$1,500
2002	Albany, GA	Sewage spill to a surface water body (calendar year 1999).	NOV; Fine/ Settlement

**Safety & Environmental Compliance Citations**

<b>Year</b>	<b>Facility</b>	<b>Violation</b>	<b>Fine or Penalty</b>
		Failure of Lift station and notification system.	Agreement: \$40,000
2002	Crossville, TN	Sample frequency issue. Facility converted from liquid biosolids to a dewatered biosolids program. Addition of alkaline material increased annual tonnage, triggering sampling every 60 days (6/year). Previous sample program was set at every 90 days (4/year).	\$3,500
2001	San Ysidro, CA	Air scrubber units malfunctioning.	NOV; \$1,800
2001	Wilmington, DE	Odor complaint.	Citation; \$95
2001	SUN Marketing & Refining Wastewater Treatment Plant, Oregon, OH	Process Safety Management (PSM) deficiencies.	\$9,000
2001	SUN Marketing & Refining Wastewater Treatment Plant, Oregon, OH	Improper Lockout/Tagout procedures.	\$1,000
2000	Fall River, MA	Pump cables not clean and orderly, Machine/Electrical Guarding issues, Pipe threader not grounded.	\$3,025
2000	SUN Marketing & Refining Wastewater Treatment Plant, Oregon, OH	Improper Lockout/Tagout procedure, Improper Confined Space Entry, Inadequate Contractor Safety Training, Hot Work Deficiencies.	\$19,500
2000	Burlingame, CA*	Exceeded total settleable matter limit.	NOV; \$3,000 contribution to State environmental project**
2000	Wilmington, DE	Sewage spill to creek due to power failure.	NOV; \$80,000
2000	SUN Marketing & Refining Wastewater Treatment Plant, Oregon, OH	Air Emission issues, Incomplete Malfunction Report, Record Keeping issues.	NOV; \$4,169
2000	Wilmington, DE	Visible foam.	NOV; \$71
2000	Auburn, AL	Effluent ammonia nitrogen limit exceedances. Fine assessed because facility was operating under a 1999 Consent Order.	NOV; \$2,000
2000	Atwater, CA*	Exceeded chlorine limit due to improper plant design that caused inadequate dechlorination detention times.	NOV; \$30,000
2000	Petaluma, CA*	Effluent limits exceeded for TSS, BOD, fecal coliform due to weather event that caused hydraulic overload on facility.	NOV; \$27,000
1999	Sun Marketing & Refining WWTP, Oregon, OH	Release of petroleum product into sanitary system.	NOV; \$27,309
1999	Bridgeport, CT	Inadequate flushing facilities for eyes in area of temporary chemical feed system	\$750
1998	Wilmington, DE	Sodium hypochlorite spill into adjacent creek.	NOV; \$50

**Safety & Environmental Compliance Citations**

<b>Year</b>	<b>Facility</b>	<b>Violation</b>	<b>Fine or Penalty</b>
1998	Ecourse, MI	Respiratory protection deficiencies.	\$1,500
1997	Burlingame, CA	Permitted air handling unit was not on-line during agency site visit. It was later proven that this unit was not necessary.	NOV; \$300
1997	Vancouver, WA	Exceeded incinerator process limit for biosolids.	NOV; \$250
<p style="text-align: center;"><i>* California HB 709 (1/2000) mandates, <b>without exception</b>, assessment of a minimum \$3000 fine per event for any permit violation for any reason.</i></p>			