



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



September 6, 2022

NOTICE OF FINDINGS

Bay District Sewer Commission
P.O. Box 1527
Center Harbor, New Hampshire 03226

Re: Pump Station Overflow at 26 Colonial Drive, Moultonborough, NH 03254

Dear Commissioners,

The purpose of this Notice of Findings (NOF) is to gather information on the subject wastewater pump station located at 26 Colonial Drive, in Moultonborough (the site). On August 10, 2022, DES received a call about sewage overflow from the pump station. DES is gathering information to determine what violations have occurred and what appropriate enforcement measures should be taken, if any.

BACKGROUND

DES personnel visited the site on August 10, 2022, after receiving a call about sewage overflow from the pump station. Present at the site were Scott Dvorak, Moultonborough Health Officer, and Albert Solomon, resident at the property. Both of whom are copied on this correspondence. During the site visit, DES personnel did not observe an active discharge of sewage from the pump station, but did note dark ground surrounding the pump station, as would result from sewage release. On August 12, 2022, Lamprey Septic and a local electrician inspected the electrical panel and pumps at the pump station and made repairs. It is our understanding that the pump station is now operational with one 5 HP pump.

REQUESTED INFORMATION

DES requests the following information from the Bay District Sewer Commission:

- 1) An inventory of the equipment in the pump station and the operational status of the equipment.
- 2) Any maintenance records associated with the equipment in the pump station, including dates of installation or replacement or repair of equipment.
- 3) Dates and descriptions of any overflow events from the pump station. Include volumes of sewage overflow from the pump station and measures taken to abate the overflows.
- 4) All correspondence related to the pump station since its inception.

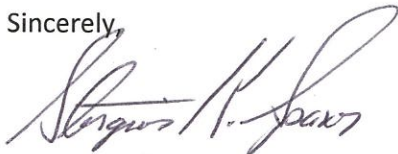
Please submit the above requested information electronically to stergios.k.spanos@des.nh.gov by October 5, 2022.

As owner of the pump station, the Bay District Sewer Commission remains responsible for complying with all applicable requirements, whether found in statutes, rules, or applicable permit(s), regardless of whether

Bay District Sewer Commission
Pump Station Overflow at 26 Colonial Drive, Moultonborough, NH 03254
September 6, 2022
Page 2 of 2

violations of the requirements were identified during this or any other investigation. These and future violations may result in State or Federal enforcement action. Actions may include issuing an order, initiating fine procedures, or seeking civil and/or criminal penalties. If requested a meeting may be scheduled to discuss the information requested above and the observations cited in this Notice of Findings by contacting me via email at stergios.k.spanos@des.nh.gov or by phone at 603-271-6637.

Sincerely,



Stergios K. Spanos, Supervisor
Permits and Compliance Section
Wastewater Engineering Bureau

cc: DES, WD, WWEB/File
Kerry Barnsley, Compliance Attorney, NHDES
Tracy Wood, WWEB Administrator, NHDES
Teresa Ptak, Compliance Supervisor, WEB, NHDES
Scott Dvorak, Health Officer, Town of Moultonborough
Albert Solomon, 26 Colonial Drive, Moultonborough



Code & Compliance & Health Office

Town of Moultonborough
6 Holland Street – P. O. Box 139
Moultonborough, NH 03254
(603) 476-2347 - Fax (603) 476-5835
e-mail: sdvorak@moultonboroughnh.gov

October 5, 2022

Thurston Family 2021 Trust
Michael S. & Heidi B. Thurston, Trustees
47 Colonial Drive
Moultonborough, NH 03254

LETTER OF DEFICIENCY
Sent by Certified Mail
7020 0640 0000 3527 9124

Re: 47 Colonial Drive

Dear Michael and Heidi:

On August 10, 2022, I visited a pump station located within the Colonial Drive subdivision in my capacity as the Town of Moultonborough's health officer along with James Talvy from NHDES Wastewater Engineering Bureau and conducted an inspection based on a complaint of spillage of sewage at the pumpstation that services the properties located on Colonial Drive.

After talking to Lamprey Septic Services, it was determined that the pumps are no longer working which has resulted in the daily monitoring and pumping of the pump station. This is not a permanent solution, and the septic system is in failure as defined in RSA 485-A-2: IV.

As the Health Officer for the Town of Moultonborough and I am advising you that the private sewage system servicing your property is a state of disrepair such it constitutes a source of danger to the health of the public for purposes RSA 147:17-a I. Pursuant to this statute, I am ordering that the private sewage system be put into proper sanitary condition by replacing the pump motor within 60 days of receipt of this letter. Pumping may continue until the pump motor(s) are replaced and working properly.

Please be advised that if the pumping were to cease, or if no corrective action is taken within the time stated earlier, the Town of Moultonborough may take corrective action and all costs associated with those actions shall be recovered under section 147:17-b. Further if it is determined that the conditions at your property constitute a clear and imminent danger to life or health of persons other than the occupants the Town, through its Health Officer could order the building vacated under section RSA147:16-a.

If you would like to avoid further action, please contact the Code Enforcement / Health Office, and I will discuss with you the steps required to bring this matter to compliance.

Sincerely,

Scott Dvorak
Town of Moultonborough
Health Officer

Cc: Charles F. Smith, Town Administrator (via email)
Matthew R. Serge, Esq. (via email)

Code Enforcement & Health Office

Town of Moultonborough
6 Holland Street - PO Box 139
Moultonborough, NH 03254
(603) 476-2347 * Fax (603) 476-5835
e-mail: sdvorak@moultonboroughnh.gov

January 13, 2023

Atty. Marcia Brown
Colonial Drive residents
Agape Community Church

RE: Colonial Drive septic pump system.

Dear Recipients

On December 21, 2022, I was glad to have received an email from Attorney Marcia Brown stating that monies for the pumps and installation had been secured for the failed septic pump that services Colonial Drive, however we seem to be at an impasse for the pump replacement.

The private sewerage system is still in a state of disrepair and in failure as defined in RSA 485-A-2: IV and constitutes a source of danger to the health of the public. The funds are secured so the system can be put into proper sanitary condition, and we have gone beyond the 60-day deadline from the Letter of Deficiency dated October 5, 2022. If money is allocated for parts and labor, then pumps must get replaced regardless. Pursuant to RSA 147:17-a I'm requiring that the pumps are replacement is within 30 days of the date of this letter.

Further if it is determined that the conditions at your property constitute a clear and imminent danger to life or health of persons other than the occupants the Town, through its Health Officer could order the building vacated under section RSA147:16-a.

Best Regards,



Scott Dvorak
Town of Moultonborough
Code Enforcement & Health officer