



**Vermont Department of Environmental Conservation  
Drinking Water and Groundwater Protection Division**

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[www.drinkingwater.vt.gov](http://www.drinkingwater.vt.gov)

*Agency of Natural Resources*

January 27, 2014

CERTIFIED MAIL

**NOTICE OF ALLEGED VIOLATION**

Rocky Martin  
10632 Route 116  
Hinesburg, VT 05461

Re: Hinesburg Water Department, Public Drinking Water System (WSID VT0005070)

Dear Mr. Martin:

You are hereby put on notice that the Secretary of the Agency of Natural Resources (“Agency”) believes that the Hinesburg Water Department, Public Water System (WSID VT0005070) is in violation of its Public Community Water System Permit to Operate.

**I. DESCRIPTION OF ALLEGED VIOLATIONS:**

**Failure to Comply with a Public Water Supply Operating Permit:** On April 3, 2013 the Town of Hinesburg (“Town”) was issued a Public Community Water System Permit to Operate (“Permit”) by the Drinking Water and Groundwater Protection Division (“Division”) of the Agency. The Permit contained a compliance schedule in Section II B. A copy of the Permit is attached.

As of the date of this Notice, the Town has violated the following conditions contained in the Permit:

- 1) Section II, Part B, Item 1 of the Permit requires the Town to submit a preliminary engineering plan, including a source improvements plan and schedule, to the Secretary of the Agency for review and approval on or before January 2, 2014. The Preliminary Engineering Plan was to provide a projection of the maximum day water demand needs of the Water System for the next 10 years and to outline a proposed improvements plan and implementation schedule for meeting the anticipated supply source, treatment, storage, and pumping system capacity needs of the Water System during the next 10 years.

On December 20, 2013, the Water System submitted a Source Feasibility Study, but this document did not contain an improvement plan and implementation schedule nor did it provide an evaluation of the System’s needs over the next 10 years with respect to its treatment, storage, and/or pumping system capacities.

- 2) Section III, Part G of the Water System’s Permit states “[t]he [Town’s] Water System is not permitted to expand without first addressing the source capacity violation identified in Section II, Part A, Item 1 [of the Permit].”

Since the effective date of its Permit, the Town has issued letters confirming that it has sufficient water supply capacity to support the expansion of the water system through the connection of new users. The Town issued these allocation letters despite the documented source limitations of the system and the Permit’s explicit restriction on system expansion.

In response to the alleged violations identified above and pursuant to 10 V.S.A. Section 8008, the Agency may issue an Administrative Enforcement Order which, among other things, would assess penalties, require correction and/or remediation of the alleged violations and require other measures as deemed appropriate. Pursuant to 10.V.S.A Section 8019, Civil citations, the Agency also has the authority to issue a citation containing civil penalties for any noncompliance with a statute, rule, or permit. The Town's prompt response to this Notice of Alleged Violation (NOAV) through the actions requested below may lessen the possibility or severity of any enforcement action that the Agency may take.

## II. REQUESTED ACTIONS:

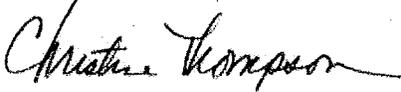
1. On or before February 1, 2014, the Town shall notify the local fire department(s) and the State of Vermont Department of Public Safety that there could be times that the Town does not meet the fire flow needs of the community. Currently the Town relies on water stored in the water storage tank and not the permitted capacities of the supply sources to meet the maximum daily demands of the Water System. This is due to the diminished source yield of well 3 and the Water System operating in excess of its permitted source supply capabilities of well 1. Following periods of higher water demand, the Town's reliance on the reserve storage volume within the water storage tank to meet the daily water demand needs of the community compromises the Town's ability to provide adequate fire protection.
2. On or before February 14, 2014, for those users that have received allocation letters but have not yet connected to the Town's water system, the Town must send written notice that the users are not permitted to connect to the water system until the time when the Town demonstrates that it has permitted source capacity adequate to meet the current and expected future engineering design water demand needs of the water system. The Town must copy the Division (Attn: Ben Montross) on this correspondence.
3. On or before February 14, 2014, the Town shall submit to the Division a list of the allocation letters issued by the Town between April 3, 2013 and the effective date of this NOAV including the following information for each allocation granted:
  - a. Identification of the applicant for each connection;
  - b. The proposed or intended use of each connection;
  - c. The permitted allocation volume granted by the Town for each allocation; and
  - d. A status report identifying whether or not each allocation recipient has connected to and are utilizing water from the Town's water system.
4. On or before February 28, 2014, because the Town has allocated water for consumer use beyond its permitted capacity, it shall develop and submit a water conservation plan for review and approval by the Division. The water conservation plan must include, but not be limited to, the following:
  - a. Means to reduce the use of water and provisions for the conservation of water used by the Town;
  - b. Information for utilizing alternative supply sources to augment the supply needs of the Town;
  - c. Discussion of the threshold and procedures required in order to bulk haul water; and
  - d. Identification of how the Town intends to curtail expanding user water demands while it develops additional drinking water supply source capacity.Once reviewed and approved by the Division, the Water Conservation Plan shall be implemented by the Town.
5. On or before March 15, 2014, the Town shall submit to the Division a complete source improvement plan and implementation schedule to meet the current and expected future needs of the Town as required by Chapter 21, Subchapter 21-4 and Appendix A, Part 2 of the Vermont Water Supply Rule and Section II, Part A, Item 1 of the Permit.
6. On or before April 1, 2014, the Town will submit a technically-complete Source Permit application to the Division for review and approval.

**Failure to submit the documents identified above by the established dates may result in the initiation of formal enforcement actions.**

The Division would like to meet with the Town and its consultant(s) involved in the source development project during the week of February 3 through February 7. The Division will be contacting the Town to schedule a meeting to discuss this NOAV, future Permit requirements, and the ongoing source issues experienced by the Town.

Please submit this requested information to Ben Montross at the address listed in the letterhead. Should you have questions or require assistance, please contact Ben Montross at 802-498-8981 or [ben.montross@state.vt.us](mailto:ben.montross@state.vt.us).

Sincerely,



Christine Thompson, Director  
Drinking Water and Groundwater Protection Division

Enclosures: Permit to Operate

c: Ben Montross, Compliance and Support Service Section Chief, DWGWP  
Tim Raymond, Operations and Engineering Section Chief, DWGWP  
Tom Brown, Operations Section Manager, DWGWP  
Jessanne Wyman, Regional Engineer, DWGWP  
Jeff McMahon, Permit Specialist, DWGWP  
Earnest Christianson, Regional Engineer Manager, DWGWP  
Rodney Pingree, Water Resources Section Chief, DWGWP  
Dennis Nealon, Division Hydrogeologist, DWGWP  
Julie Hackbarth, Compliance and Certification Manager  
Joe Colangelo, Town of Hinesburg Town Administrator  
WSID VT0005070

