

June 28, 2013

Christine Bowman  
Brandon Kernen  
NHDES Drinking Water and Groundwater Bureau  
29 Hazen Drive  
Concord NH 03301

Re: USA Springs, Inc. Large Groundwater Withdrawal Permit Renewal Request  
LGWP-2004-0003, Nottingham, NH

Dear Christine and Brandon,

MyKroWaters, Inc., has been retained to assist USA Springs, Inc. (the "Applicant"), in the process of renewing the above-referenced permit (the "Permit"). The Permit is set to expire on July 1, 2014.

Item 9 of the Permit specifically states "The permittee shall apply for renewal of this permit at least 90 days prior to its expiration date." This would indicate that the actual due date for permit renewal application would be Wednesday, April 2, 2014. It is our belief that this date is grandfathered under the current permit. However, we are submitting this extension request as a contingency. This letter is not intended to indicate that we are abandoning Item 9 of the Permit.

Current regulations state, pursuant to Env-Wq 403.32 (c), "Any permittee wishing to renew a large groundwater withdrawal permit shall submit an application for a permit renewal at least one year prior to its expiration date." Therefore, according to current regulations, the deadline for a Permit renewal application would be July 1, 2013. The Applicant will not be able to meet this deadline. This letter is written to formally request a 90-day extension, to extend the deadline to Monday, September 30th. This would allow the Permit renewal request to be submitted approximately 9 months before the expiration of the current Permit.

This extension request is submitted pursuant to Env-Wq 403.36, Extensions of Time.

To apply for a Permit renewal additional research will need to be conducted, including but not limited to updating the inventory of contaminant sources within 1000' of the cone of depression; updating the water user and resource inventory; researching and preparing the tax map identifying new lots within the cone of depression; and additional research as necessary (Env-Wq 403.32 (d)(3,4,5,6)). The extension is required to allow time to conduct the technical research associated with gathering this information.

The decision to pursue a Permit extension was made recently, due to the following events:

USA Springs, Inc., converted to a Chapter 7 bankruptcy case on August 7, 2012. On that date, Timothy P. Smith was appointed Chapter 7 Trustee. Since his appointment, the Trustee has been focused on preserving the bankruptcy estate's assets for the benefit of the creditors. Since the bankruptcy estate has limited financial means, it has not been able to pursue a renewal of the LGWP until recently.

We hope that the Department will consider the USA Springs bankruptcy and the additional technical research required to be consistent with Env-Wq 403.36 (c) (2), which states that "Good cause to extend a deadline shall be deemed to exist if... The applicant has otherwise been prevented by circumstances beyond the applicant's control from obtaining or preparing the missing component(s)."

There will not be a proposed change to the approved withdrawal volume (Env-Wq 403.32 (d)(2)).

Thank you for your time in considering this extension letter. If you have any questions or comments, please do not hesitate to call me at 978-369-3037 or email [mykrowaters@gmail.com](mailto:mykrowaters@gmail.com).

Sincerely,



Deborah R. Farnsworth  
President, MyKroWaters, Inc.

CC: Kevin B. Delaney, Nottingham Springs LLC  
Timothy P. Smith, Chapter 7 Trustee, USA Springs, Inc.