



The  
NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES

hereby issues

LARGE GROUNDWATER WITHDRAWAL PERMIT

NO. LGWP-2004-0003

to the permittee

USA SPRINGS, INC  
9 REGIS DRIVE  
PELHAM, NEW HAMPSHIRE 03078  
(603 942 5660)

for the withdrawal of the following volumes of groundwater from the following on-site wells for the purpose of bottling water

|                    |   |
|--------------------|---|
| Bedrock Well USA-1 | 106,486 gallons over any 24-hour period |
| Bedrock Well USA-2 | 179,874 gallons over any 24-hour period |
| Bedrock Well USA-4 | 21,168 gallons over any 24-hour period  |

located at 145 Old Turnpike Road in Nottingham, New Hampshire (Lot 10, Tax Map 3)

Date of Issuance: July 1, 2004  
Date of Expiration: July 1, 2014

Pursuant to authority in N.H. RSA 485-C:21, the New Hampshire Department of Environmental Services (Department), hereby grants this permit to withdraw groundwater from USA -1, USA-2, and USA-4 subject to the following conditions:

1. The permittee shall comply with the requirements of Env-Ws 388 at all times.
2. Pursuant to RSA 485-C:15, the permittee shall allow any authorized member of the Department's staff, or its agent, to enter the property covered by this permit for the purpose of collecting information, examining records, collecting water level measurements, or undertaking other action associated with this permit.
3. Water Conservation: In addition to the measures the permittee proposes in its Permit Application dated February 3, 2003, which is incorporated herein by reference, the following measures shall be implemented:
  - a. The permittee shall complete annual pressure testing and leak detection surveys of piping connecting the wells to the bottling plant. All leaks must be repaired within 60 days of discovery. Alternatively, the permittee may utilize meters and totalizers at the wellhead and the bottling plant to determine if water losses exceed 5%. If water losses exceed 5% between the wellhead and the bottling plant, a leak detection and repair program must be implemented. Meters and totalizers must meet the requirements in item 4, below. The permittee must report a summary of activities it undertook to identify and repair pipeline leakage in an annual report by January 31 of each year.
  - b. The permittee shall maintain shut-off devices in its bottling process that prevents the discharge of unused water to waste.
4. Metering Requirements: Withdrawals from all wells must be metered at all times. The permittee shall provide the Department with a certificate of calibration for each meter, as well as the performance specifications of the meter as prepared by the manufacturer. All meters must be sized and calibrated to monitor the applicable withdrawal and flow rates. The permittee shall also provide the Department with the maintenance and calibration requirements of the meter as prescribed by the manufacturer. The permittee shall maintain and calibrate the meters in accordance with the specifications of the manufacturer. The permittee shall document and maintain records of all meter maintenance and calibration activities and submit this information to the Department in an annual report by January 31 of each year.
5. Monitoring and Requirements

The permittee shall establish and maintain the monitoring and reporting program as described below. The monitoring and reporting program shall be established within the next 60 days and be implemented for at least three months prior to initiating large groundwater withdrawals at the USA Springs site.

- a) Water Level Monitoring: The permittee shall complete the following water level monitoring and reporting program:

- i) Off-site Private Wells: Install pressure transducers and data loggers and measure water levels at a frequency of at least every four hours in the following private wells:

Nottingham Private Wells

| Lot     | Address               |
|---------|-----------------------|
| 3-6     | 165 Old Turnpike Road |
| 3-2     | 162 Old Turnpike Road |
| 3-2-1   | 158 Old Turnpike Road |
| 3-3     | 166 Old Turnpike Road |
| 3-2A    | 164 Old Turnpike Road |
| 2-7     | 181 Old Turnpike Road |
| 2-5     | 187 Old Turnpike Road |
| 2-8A-4  | 186 Old Turnpike Road |
| 3-11-15 | 3 Lincoln Drive       |
| 3-11-9  | 19 Lincoln Drive      |
| 3-12-1  | 86 Freeman Hall Road  |
| 14-16   | 45 Garland Road       |
| 14-18   | 39 Garland Road       |

Barrington Private Wells

| Lot    | Address      |
|--------|--------------|
| 7-2B-1 | 4 Wood Road  |
| 7-3-8  | 32 Wood Road |

- ii) On-site Production Wells: Install pressure transducers and data loggers and measure water levels at a frequency of at least every four hours at USA-1, USA-2 and USA-4.
- iii) On-site Monitoring Wells: Install pressure transducers and measure the water levels at a frequency of at least every four hours at the existing and proposed monitoring well locations described in Section 1.2 of Attachment 2 of a letter dated September 11, 2003 incorporated herein by reference from the Gradient Corporation to the Department. The permittee shall install a staff gage, shallow monitoring well, and deep over burden monitoring well at each of the following wetland monitoring sites after obtaining approval from the Department: WM-4, CON1, and CON2. The permittee shall provide the Department with soil boring data and monitoring construction details prior to seeking approval from the Department.

If a private well owner denies permission to monitor water levels, then the permittee shall propose an alternative monitoring location to the Department for

approval. The permittee shall monitor the alternative location upon receiving approval from the Department.

All water level monitoring shall be completed by a person who can demonstrate, by education or experience, competency in collecting and reporting hydrogeologic measurements.

All monitoring data shall be submitted to the Department by the last business day of each calendar month in an electronic format. Water levels shall be reported to the Department as feet relative to the National Geodetic Vertical Datum of 1929. The permittee shall note any relevant observations that may affect water level measurements.

A summary of all monitoring data shall be prepared in a hard copy format and submitted to the Department by January 31 of each year. The annual report shall include all field notes documenting the water level monitoring activities for the preceding year. All field notes shall be signed and dated by the personnel responsible for collecting measurements.

Monitoring well locations and frequencies may be added or changed if the water level data obtained in paragraphs (i)-(iii) above contradict the information obtained in the permittee's application, or if additional data points are required to assess the potential for adverse impacts to occur.

- b) Wetlands - Implement the wetland monitoring program summarized in Attachment 2, Section 1.2 of a letter dated September 11, 2003 from the Gradient Corporation to the Department. The wetlands monitoring program shall initiate one year prior to initiating withdrawals and continue indefinitely as a condition of the permit. All work shall be conducted under the direct oversight of a New Hampshire Certified Wetland Scientist. The tri-annual wetland survey must provide a clear determination as to whether or not an adverse impact has occurred, may occur, or has not occurred over the monitoring period. An annual wetland monitoring report must be submitted by January 31 of each year. The results of the tri-annual wetland monitoring and associated impact assessment must be included in the annual wetland monitoring report unless requested sooner by the Department.
- c) Stream Gaging: The permittee shall install a weir in the unnamed stream that flows from its site into Round Pond. The weir shall be installed in a stream channel as close as is technically, logistically, and legally possible to Round Pond. The stream flow at the weir shall be monitored weekly starting one year prior to initiating withdrawals, unless snow and ice make measurements not possible. The permittee may propose an alternative method to accurately measure stream flow to the Department. This permit condition shall not be enforced if the permittee can demonstrate that property owners will not grant access to the stream for monitoring.

## 6. Mitigation Requirements

- a) In the event that adverse impacts occur, the permittee shall comply with all of the requirements below and with the impact mitigation and source replacement requirements of Env-Ws 388.
- b) Prior to initiating the large groundwater withdrawal, the permittee shall notify any owner of a private well within 7000 feet of USA-1, USA-2, and USA-4. The permittee shall provide copies of the certified returned receipt to the Department. The permittee shall explain to owners of wells in the area that their well may be influenced by the withdrawal at USA Springs. The permittee shall provide the homeowner with contact information for both the permittee and the Department in the event a homeowner believes they may be adversely impacted.
- c) The permittee shall notify the Department of any adverse impact within 12-hours of receiving such information. Furthermore, the permittee shall provide potable water for drinking and cooking purposes to a well owner that the Department has determined to be adversely impacted. The permittee shall have 12 hours to provide drinking and cooking water after being notified of an occurrence of an adverse impact. The permittee shall provide potable water for other domestic uses within 36 hours of being notified of an adverse impact (e.g., lower well pump, install higher capacity well pump, drill a new well, or truck bulk water to the property). A permanent alternative water supply that produces water quality that complies with Federal and State drinking water requirements and a quantity of water that complies with the requirements of Env-Ws 388.18, shall be provided to an adversely impacted water users within 30 days of the Department determining that a water user had been adversely impacted.

Contracts with companies capable of providing water and well services (including drilling of new wells) must be developed and maintained prior to and after initiating the withdrawal such that in the event that impacts are noted at private wells, mitigation steps can be undertaken expeditiously. Copies of these contracts shall be provided to the Department prior to initiating the large groundwater withdrawal.

- d) Where the status of unanticipated impact is not clear, the permittee shall gather information needed to quantify the impact and determine its status relative to adverse impact criteria defined under Env-Ws 388.18 and provide this information to the Department within 48 hours of being notified by the Department. A verified adverse impact shall be mitigated as described in paragraph (c), above.
- e) The Department will routinely review the results of all monitoring data, and if water level monitoring data indicates that groundwater is being extracted at a rate that exceeds natural recharge on average, then the Department will modify the permit in accordance with Env-Ws 388 in order to prevent adverse impacts from occurring. In addition, the permittee shall operate the well in accordance with the management procedures described below:

## STAGE I MANAGEMENT PROCEDURES:

In the event that any of the following monitoring triggers are exceeded, output from each production well shall be reduced to 75% of the permitted yield capacity:

Trigger A: A fifteen foot drawdown below the 180-day no-recharge projections (at locations and associated values listed in Table 1), unless it is determined by the Department that the drop in water levels in a specific monitoring point is erroneous based upon an analysis of water levels in all other similar monitoring points.

Trigger B: Moderate Drought Condition as determined by U.S. Drought Monitor which is administered by the U.S. Department of Agriculture, Department of Commerce, and National Oceanic and Atmospheric Administration.

Trigger C: An adverse wetland impact determination based upon the criteria of Env-Ws 388.18(c)(7) by the Certified Wetland Scientist completing the monitoring described in Section 4, or the Department.

As part of Stage I management procedures, the permittee shall increase the frequency of reporting of all on-site and off-site water level measurements to the Department, and submit all measurements electronically by the 15<sup>th</sup> and 30<sup>th</sup> day of each calendar month.

## STAGE II MANAGEMENT PROCEDURES

In the event that any of the conditions listed below are exceeded, then output from each production well shall be reduced to 50% of the permitted yield capacity:

Trigger A: A twenty foot drawdown below the 180-day no-recharge projections (at locations and associated values listed in Table 1), unless it is determined by the Department that the drop in water levels in a specific monitoring point is erroneous based upon an analysis of water levels in all other similar monitoring points.

Trigger B: Severe Drought Condition as determined by U.S. Drought Monitor which is administered by the U.S. Department of Agriculture, Department of Commerce, and National Oceanic and Atmospheric Administration.

Trigger C: An adverse wetland impact determination based upon the criteria of Env-Ws 388.18(c)(7) by the Certified Wetland Scientist completing the monitoring described in Section 4 or the Department that is not corrected by Stage I.

As part of Stage II management procedures, the permittee shall increase the frequency of reporting of all on-site and off-site water level measurements to the Department, and submit all measurements electronically by the 15<sup>th</sup> and 30<sup>th</sup> day

of each calendar month.

### STAGE III MANAGEMENT PROCEDURES

In the event that any of the following triggers are exceeded based on monitoring at the private wells outlined above, the cumulative withdrawal from all on-site wells shall be reduced to below 57,600 gallons over any 24-hour period.

Trigger A: A thirty foot drawdown below the 180-day no-recharge projections (at locations and associated values listed in Table 1), unless it is determined by the Department that the drop in water levels in a specific monitoring point is erroneous based upon an analysis of water levels in all other similar monitoring points.

Trigger B: Extreme Drought Condition as determined by U.S. Drought Monitor which is administered by the U.S. Department of Agriculture, Department of Commerce, and National Oceanic and Atmospheric Administration.

Trigger C: An adverse wetland impact determination based upon the criteria of Env-Ws 388.18(c)(7) by the Certified Wetland Scientist completing the monitoring described in Section 4 or the Department that is not corrected by Stage II.

As part of Stage III management procedures, the permittee shall increase the frequency of reporting of all on-site and off-site water level measurements to the Department, and submit all measurements electronically by the 15<sup>th</sup> and 30<sup>th</sup> day of each calendar month.

### STAGE IV MANAGEMENT PROCEDURES

In the event that a monitoring report indicates that the withdrawals are adversely impacting wetlands and the adverse impacts will continue, withdrawals at the site shall cease.

7. Prior to initiating large groundwater withdrawals, the concentration of all contaminants in the overburden and bedrock aquifer associated with historic activities at the Just Cause Site at 155 Old Turnpike Road (DES#200302008) shall be remediated to concentrations below New Hampshire's Ambient Groundwater Quality Standards (AGQS) as set forth in Env-Wm 1403. Withdrawals at the USA Springs site may not be initiated until the Department has issued a "Certificate of No Further Action" for the Just Cause site in accordance with Env-Wm 1403.19.
8. The permittee shall register its new sources of water under the Registered Water User Program and maintain the water use reporting requirements of Env-Wr 700 or its successor rules at all times.
9. The permittee shall apply for renewal of this permit at least 90 days prior to its

expiration date. The permittee shall continue to comply with all conditions in this permit until the permit is renewed or the facility is closed in accordance with all applicable requirements, regardless of whether a renewal application is filed.

10. The permittee shall obtain new source approval for Bottled Water from the Department in accordance with Env-Ws 389 prior to initiating withdrawals at the site for the purpose of bottling water.

The issuance of this permit is based upon the analysis and findings described in the attached document dated July 1, 2004 and titled "Decisions and Findings Regarding USA Springs, Inc., Application for Large Groundwater Withdrawal Permit, December 29, 2003."

Any person aggrieved by any terms or conditions of this permit may appeal in accordance with RSA 541 within 30 days.

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Michael P. Nolin, Commissioner  
Department of Environmental Services