

Waterline

July 2001

A Publication of the Water Supply Division of the Department of Environmental Conservation

Training Staff (from left to right): Roger Bergeron, Water Supply Division Capacity Development Specialist; John Lukin, NeRWA's Vermont Training Coordinator; Shaun Fielder, NeRWA's Training Staff; Missing from photo: Elizabeth Walker, NeRWA's Training Staff & Vermont SRF Specialist



If you have questions, please call Roger Bergeron at (802) 241-1411 or 800-823-6500

"A Trainer At Your Door"

Operator Certification Credit Hours for On-Site Training

By Tom Bartholomew, DWSRF Program Manager

Operator certification credit hours will now be available for individual on-site or small group local-area training based on completion of capacity program or regulatory compliance documents. This approach combines

system specific training, regulatory compliance requirements, capacity development and operator certification requirements. The training will be provided by Northeast Rural Water Association (NeRWA) staff, Water Supply Division staff or contractor and coordinated by the NeRWA training coordinator. Credit hours will be awarded following completion of water system specific documents to those operators participating in the training program. Credit hours available under this program are listed in the table below.

Emphases on Operation & Maintenance Manuals and Long Range Plans

By Tom Bartholomew, DWSRF Program Manager

The Water Supply Rule requires all community water systems have a current Operation and Maintenance (O & M) manual and may require systems to have a long range plan. The Water Supply Division (WSD) intends to provide additional emphases on water system compliance with these important requirements during future sanitary surveys and permit renewals.

A program to provide coordinated assistance with completion of O & M manuals and Long Range Plans will be operational by the end of the summer. The assistance will be available to small systems from Water Supply Division staff, through the training program coordinated by Northeast Rural Water Association (NeRWA), and from NeRWA technical staff. The program includes the following components.

1. Fill in the form templates developed and field tested by Northeast Rural Water Association.
2. Individual on-site or small group local training on completion of the template forms.
3. Support services to complete the manuals and plans using the information provided by the water system.
4. Operator certification credit hours for participating operators following completion of the O & M manual or Long Range Plan.

Capacity Training Program Categories	Training Contact Hours
Operation and Maintenance (O & M) Manual	6 PCWS, 3 NTNC
Long Range Plan (LRP)	2
Capacity Assessment and Corrective Action Plans	1
Record Keeping Notebooks	2
Operation and Maintenance Manual Update & Comprehensive Water System Review	2
Long Range Plan Update	1
Source Protection Plan Update	1

Operator Training

*John Lukin, Vermont
Training Coordinator of
NeRWA*

The Water Supply Division and NeRWA entered into a new agreement February 1 that will bolster training opportunities for Vermont public water system personnel. WSD is responding to an increasing need for appropriate training due to regulatory adjustments made in response to federal operator certification requirements and the evolving Capacity Program. My role as NeRWA's Vermont Training Coordinator is to provide various vehicles for operator training.

The final two words of the previous sentence need some clarification. Everyone always refers to the "operator" as the one who keeps a water system going. In Vermont, most systems have only one operator; others have several depending on size and complexity.

Only most operators have a command structure that lays the final responsibility for many system operations decisions somewhere else: a board or committee, or an individual. This entity can be called the "responsible party." And these responsible parties often lack essential knowledge

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about the system they oversee and the public health requirements that dictate many operational decisions. Technically they are not operators, but they could use some training. And I'll be working to get them some.

Just what is "training?" Many operators speak of "getting their hours" and figure they really don't need further training, especially when it's the same stuff over and over again.

Well, operators do need to get their contact hours; some guys find some interesting and different ways to get them. The water supply universe is not all that big. Operator training programs have to relate to that universe. Finding ways to expand people's horizons, while adding to their capabilities as PWS operators (and managers) is a big challenge. I'll take any tips I can get. So if you've discovered something worthwhile, or have ideas you'd like to see looked into, please let me know.

In fact, I have suggested to many that training on topics they want at convenient times and locations can be had. The trade-off is they have to give us a hand setting it up. The

phone rarely rings. People are happy to help us set up a session if we (NeRWA staff) call them with the topic and ask for help with the location. But I'm talking about getting your desires for training topics initiated in your neighborhood. Generally that means having the place and helping get enough people there to make the program cost effective.

A significant part of NeRWA's work under this agreement with WSD centers around capacity. We are looking at small group and individual on-site training. Eighty percent of Vermont's water systems serve fewer than 500 people. With capacity or any other topic, you who operate these systems can't just drop everything to attend a seminar in Waterbury or Rutland.

You can get targeted training, however, at reasonable times

and accessible locations, IF you pipe up and let your needs be known. Call me. Email me. We can make things happen. And that includes sessions with the "responsible parties."

I'm also exploring other avenues for assuring an appropriate variety of educational opportunities in multiple locations and times of day. One is the "existing educational infrastructure," that is Vermont's colleges and trade schools. Then there are other organizations, interactive television, Internet courses, and whatever else is out there that can get operators their hours while adding to their competency and wisdom.

So stay tuned. Water system training in Vermont is expanding. But remember, I work for you. So I encourage you to let me know what you're looking for.

Operators On-Line Forum to Launch in Vermont

By Elizabeth Walker, Vermont SRF Specialist



Vermont water operators will soon have another place to get questions answered... their peers! A free, new on-line forum for operators will be launched by NeRWA for the exchange of ideas, questions, announcements, etc.

The main audience will be Vermont water operators, but others in the water community will be welcome. The forum will be email based with searchable archived messages on a website. If you are interested, email vtwater@neruralwater.org. Contact information will not be sold; we just want to know who is participating.

Capacity Assistance Programs

This is a list of assistance that is currently available through the Capacity Development Program of the Water Supply Division.

1. **Professional Engineer Systems Evaluations**
Schools, water systems under 500 population.
2. **Professional Engineer Assistance**
Priority List Application, Loan Applications, Obtaining Professional Services, Environmental Review Documentation.
3. **Planning and Final Design Loans**
Municipalities under 10,000 and Non-Profit Private Owned Community Systems: 0% for 5 yrs.
4. **Planning, Design, and Construction Loans**
Community Water Systems and Non-Profit Non Community Systems: (-3%) to (3%) up to 30 yrs.
5. **Land Purchase and Conservation Easement**
Loans to Municipalities for Source Protection: 3% for 20 yrs.
6. **Public Service Board Technical Assistance**
Rate Review and Rate Increase Application
7. **Loan Application Assistance**
Privately Owned Systems - legal review
8. **DWSRF Loan Application Assistance**
9. **Source Protection Plan Technical Assistance**
10. **O & M Manual Preparation and Revisions**
11. **Long Range Plans and Annual Budget Development**
12. **Capacity Assessments & Capacity Corrective Action Plans**
13. **O & M Technical Assistance**
14. **Consumer Confidence Report Assistance**
15. **Regulatory Compliance Assistance**
16. **Other Assistance Providers**
Northeast Rural Water Association
Department Of Agriculture - Rural Development
Rural Community Assistance Program
Community Development - Block Grant Program

Contacts For Capacity Assistance Programs:

Tom Bartholomew, SRF Program Manager
802-241-3425 email: tomb@dec.anr.state.vt.us

David Allerton, Project Development Specialist (DWSRF) 802-241-3408 email: davida@dec.anr.state.vt.us

Roger Bergeron, Capacity Development Specialist
802-241-1411 email: rogerb@dec.anr.state.vt.us

Elizabeth Walker, Vermont SRF Specialist
Northeast Rural Water Association (NeRWA)
802-660-4988 email: ewalker@neruralwater.org

Fees Structure Has Gone Up

by Jay Rutherford, Director

The agency submitted proposed revisions to our fee structure to the General Assembly during this year's session. There was considerable discussion in the General Assembly regarding fees and a bill was passed in the last days of the session. Although we will be sending you a notice of the new fees in the mail shortly, here are a few highlights of the revised fees.

Generally, fees have gone up from between 5% to 80%. Operator certification fees saw the greatest percentage increase and are now \$35 for Class 1, and \$65 for all others classes. These fees are for each certificate issues, and are now for three years instead of five, due to federal requirements for our program. Thus, the percentage increase is greater than would initially appear. Construction permits will now cost \$250 plus \$0.005 per gallon of design capacity, and operating permits have increased to 0.0267 per thousand gallons of water produced, or a 16% increase. Well driller licensing will increase to \$105 per year and there will be no fee per well drilled as was originally proposed.

If you would like to discuss the fees in greater detail, please contact us at 1-800-823-6500.

Waterline Connections Notes

Water Supply Divisional Staff News

Congratulations to Jean Nicolai & Elizabeth Hunt for their completion of a Leadership & Management Program (four-year program) in May, and to Scott Stewart for completion of Vermont Public Manager Program (two-year program) in June. Both programs provide Agency Of Natural Resources with highly skilled, professional leaders and enable staff to develop and enhance the skills and qualities necessary for the 21st century.



Elizabeth Hunt & Jean Nicolai



Scott Stewart

ANNOUNCEMENT

Operator Certification

All Class 2 and Class D certificates expire June 30, 2002.

Class 2 operators need 10 credit hours & Class D operators need 20 credit hours to renew OR take the certification examination,

whose next exam date is Nov 2, 2001.

A mailing that includes your number of earned credits will go to each operator during the last 2 weeks in September along with a training schedule. You can look for training opportunities on the web at www.neruralwater.org and

www.anr.state.vt.us/dec/watersup/wsopws.htm.

Annual Report

Annual Report on Public Water System Violations (*i.e.*, annual compliance report) for calendar year 2000 is done and is available on the web. This is an annual report due to the EPA by July 1.

Please call Ruth Taylor at (802) 241-3414 or (800) 823-6500 for assistance.

Change of Address???
Please let us know if you have a change of address, especially renewal of certificates sent to home addresses where 911 changes need to be made, or you may miss renewing your certificate. Information for Classes 2 & D will be sent at the end of Sept.

Vermont Water Operator Training and Examination Schedule

TRAINING YEAR 2001

Date	Time	Class	Contact	TCHs	Fee	Location & Comments
Sept 11	9am-2pm	Math Units & Conversion	NeRWA	5	\$20	Rutland, Wastewater Rx Plant
Vermont Capacity Intro Seminar						
Agenda to cover: Capacity Program Requirements, Forms/Templates & On-Site Training, Etc.						
Sept 11	8:30-11am	Capacity Training	NeRWA	2	\$0	Waterbury, Cyprian Learning Ctr.
	6-8:30pm	Capacity Training	NeRWA	2	\$0	Berlin, Comfort Inn
Sept 12	8:30-11am	Capacity Training	NeRWA	2	\$0	Barton, Town Hall
Sept 13	8:30-11am	Capacity Training	NeRWA	2	\$0	Enosburg Falls, Fire Station
Sept 25	8:30-11am	Capacity Training	NeRWA	2	\$0	Rutland, Howe Ctr. (UVM Ext.)
	6-8:30pm	Capacity Training	NeRWA	2	\$0	Rutland, Library (Fox Room)
Sept 27	8:30-11am	Capacity Training	NeRWA	2	\$0	White River Jct, VA Yasinski Research Bldg
Oct 2	8:30-11am	Capacity Training	NeRWA	2	\$0	Brattleboro, Fire Station
	6-8:30pm	Capacity Training	NeRWA	2	\$0	West Dover, Fire Station
Oct 3	8:30-11am	Capacity Training	NeRWA	2	\$0	Manchester, Town Offices
Oct 10, 17 & 24 (3 sessions)	8:00-11:30am	Small System Basic (Class 2)	NeRWA	10	\$20	Manchester, Town Hall
Oct 11, 18 & 25 (3 sessions)	8:30am-noon	Small System Basic (Class 2)	NeRWA	10	\$20	Morrisville, Plaza Hotel
Oct 16, 23 & 30 (3 sessions)	8:30am-noon	Water/Wastewater Math	NeRWA	10	\$20	White River Jct., VA Hosp. Rm 103A
Nov 2	10am-noon	Exam for Class 2 Certification	Ruth Taylor, WSD	None	\$15	Waterbury, WSD & Rutland, WW Facility
Nov 2	1pm-4pm	ABC exams for Class 3, 4 & D Certification	Ruth Taylor, WSD	None	\$37	Waterbury, Cyprian Learning Ctr. & Rutland, WW Facility
Nov 8	8:30am-3pm	Fall/Vendor Meeting	GMWEA	up to 2	Yes	Burlington, Radisson Hotel

Cyprian Learning Center: Waterbury State Complex, Osgood Building, Waterbury, VT 05671. Call (802) 241-1114 for directions.

GMWEA: Green Mtn. Water Environment Assoc., VT League of Cities & Towns, 89 Main St, Suite 4, Montpelier, VT 05602
 Contact Jessica Hill at 802-229-9111 Email: jhill@vlct.org

NeRWA: Northeast Rural Water Association, 187 St Paul St, Burlington, VT 05401-4689 Phone: 800-556-3792 Fax: 802-660-4990

NEWWA: New England Water Works Association, 125 Hopping Brook Rd, Holliston, MA 01746-1741 Phone: 508-893-9898 Fax: 508-893-9898

WSD: Water Supply Division, Dept of Environmental Conservation, Old Pantry Bldg., 103 So Main St, Waterbury VT 05671-0403
 Phone (in VT only 800-823-6500) or 802-241-3400 Fax 802-241-3284

For Operator Training, contact: Ruth Taylor at 802-241-3415 or email ruth@dec.anr.state.vt.us.

For Strategy/Capacity, contact: Roger Bergeron at 802-241-1411 or email rogerb@dec.anr.state.vt.us

Website: <http://www.vermontdrinkingwater.org>

Water Supply Enforcement

by *Alex Elliott, Division Counsel*

The enforcement and compliance program for the Water Supply Division consists of the section chief of the Compliance and Certification Section, four environmental analysts within the section, and the division counsel. There are ten regional team members to conduct surveys and inspections under the direction of the section chief for the Water Systems Management Section. Direction and overview is provided by the division director.

There is a separate Enforcement Division for the Agency of Natural Resources (ANR), which is made up of three attorneys, a chief investigator, and eight field investigators. It is the function of the Enforcement Division to take case referrals from the various Agency divisions, including Water Supply, and handle these actions through the Environmental Court.

To determine how system violations should be treated, the WSD has formed an enforcement workgroup. The workgroup holds monthly meetings to discuss ongoing enforcement actions, violation priorities, and potential case referrals. When prioritizing

violations, the workgroup will look to whether an immediate public health hazard or risk exists. The workgroup will also pursue enforcement on focused areas of water supply regulation, such as for systems lacking certified operators, or systems failing to monitor for chemical contaminants. Systems that fall onto EPA's Significant Noncompliance (SNC) list are also carefully reviewed by the workgroup for enforcement.

When the WSD enforcement workgroup determines which systems warrant internal (pre-referral) enforcement, it must also determine what mechanism will be used. In many cases the system will be sent a violation letter. This is simply a notice of one or more violations, typically for failure to conduct monitoring or for exceeding a Maximum Contaminant Level (MCL). Often the WSD will issue a Notice of Alleged Violation (NOAV). An NOAV serves to provide formal notice of violations, and outlines the corrective action required to bring the violator back into compliance. In most cases, the NOAV will require the water system to notify its customers of the violations in a public notice. The format for the public notice is attached to the NOAV. Failure to issue a mandatory public notice is considered an

additional violation of the water supply regulations.

A less common enforcement tool is the "pre-SNC" letter, or Pre-Significant Noncompliance letter. This letter acts as a warning to public community and non-transient, non-community water systems that have committed violations for failure to conduct coliform bacteria testing and for exceeding the MCL for coliform bacteria. A pre-SNC letter will be issued if a system is one violation short of being placed on the federal EPA SNC list. Once a system is given the SNC classification, it is given priority status by EPA and the WSD, and placed on the division's enforcement list.

An additional tool used for enforcement is the temporary operating permit (TOP). Temporary operating permits are issued for systems with deficiencies, however, the deficiencies cannot unreasonably contribute to a public health risk. Typically these permits contain schedules in order to keep the systems on track for timely compliance. Failure to complete a TOP's requirements may result in further enforcement, including a referral to the Enforcement Division.

When a case is referred to the Enforcement Division, an attorney from that division may resolve the violation through settlement by means of an Assurance of Discon-



tinuance (AOD). An AOD is an agreement between the responsible person for the water system and the Secretary of ANR, which sets milestones and schedules for the system to achieve compliance. Once both parties have signed the AOD, the agreement is presented to the Environmental Law Court, whereupon it is signed by the judge as an order of the court.

An AOD normally assesses a penalty, which includes any economic benefit derived from the noncompliance. Vermont law limits penalties to \$25,000 per violation, and \$10,000 per day for continuing violations. The penalty amount is based on several criteria, including impact to public health and the respondent's record of compliance. An AOD may allow for any or all of the penalty to be paid in the form of a Supplemental Environmental Project (SEP). The funds for an SEP are dedicated to a specific project, and most importantly there must be a connection between the violation and the project.

If settlement does not occur through an AOD, the enforce-

ment attorney files an Administrative Order (AO) with the Environmental Court. The order will normally include a civil penalty, corrective action schedule, and an order for future compliance.

For tracking compliance with AOs and AODs, the WSD utilizes an automated tracking system accessible through the Water Supply computer inventory. This computer system is used to track compliance with all aspects of the federal and state regulations, including public notices, water quality monitoring, temporary operating permits, and MCL violations. The computer inventory can also identify the pre-SNC status for any water system, enabling the WSD to alert the system prior to showing up on the federal SNC list. In addition to these functions, all violations and enforcement actions are reported to EPA via the computer inventory on a quarterly basis. From this report, EPA is able to determine which systems should be classified as significant noncompliers.

For a more detailed description of the statutory framework for state environmental enforcement, check Vermont Statutes, 10 V.S.A. Chapter 201. This will give the reader a broad overview of the enforcement process applied by the Agency of Natural Resources.

**Final Enforcement Actions For WSD
Years 2000 & 2001**

WATER SYSTEM	ACTION	VIOLATION CATEGORIES	TOTAL PENALTIES & SEPS
Brookside MHP, Starksboro # 5006	AOD	1. Failure to conduct Water Quality (WQ) monitoring. 2. Failure to issue Public Notice.	\$1,000
St. Johnsbury FD #1 #5046	AOD	1. Failure to conduct WQ monitoring. 2. Failure to issue Public Notice.	\$1,500
Fairfax Heights Water Cooperative #5118	AOD	1. Failure to conduct WQ monitoring. 2. Failure to issue Public Notice.	\$1,000
Bradford Village #5170	AOD	1. Failure to conduct WQ monitoring. 2. Failure to issue Public Notice.	\$2,620
Mobile Acres, Randolph #5171	AOD	1. Failure to conduct WQ monitoring. 2. Failure to issue Public Notice.	\$1,000
Sugar Run Condo Assoc., Waitsfield #5268	AOD	1. Failure to conduct WQ monitoring. 2. Failure to issue Public Notice.	\$4,000
Alpine Meadows, Stowe #5386	AOD	1. Failure to conduct WQ monitoring. 2. Failure to issue Public Notice.	\$500
Woodside Manor, #5404 Merrimac MHP #1, #5424 Merrimac MHP #2, #5580 White River Junction AOD		1. Failure to Conduct WQ monitoring.	\$8,325
Topnotch, Stowe #5431	AOD	1. Failure to conduct WQ monitoring. 2. Failure to issue Public Notice.	\$1,500
Country Club Condo Assoc., Bolton #5640	AOD	1. Failure to conduct MPA testing.	\$1,000
Leland & Gray Union High School, Townshend #6643	AOD	1. Failure to install corrosion control treatment for lead or copper.	\$1,000
Shady Pines MHP, Westminster #5309	AOD	1. Failure to install corrosion control treatment for lead or copper. 2. Failure to submit Source Protection Plan.	\$2,000
Waterville Water Coop #5169	AOD	1. Failure to recommend or install corrosion control treatment for lead or copper. 2. Failure to Issue Public Notice. 3. Failure to submit monthly reports.	\$500
Hemlock Ridge Condos, Killington #5240	AOD	1. Failure to issue Public Notice. 2. Failure to conduct WQ monitoring.	\$1,500

1. AOD = Assurance of Discontinuance
2. AO = Administrative Order
3. SEP = Supplemental Environmental Project

How To Update Your Source Protection Plan

by Kevin McGraw, Hydrogeologist



As always, Elizabeth, Tina and Kevin are here to help you with any of your questions concerning your plan. We all can be reached at 800-823-6500 or 802-241-3400.

So you have an approved Source Protection Plan (SPP). Congratulations! This is an important first step in the protection of your water supply. It is important to realize, however, that it is just the first step and your SPP should be an active document that changes over time to reflect changes that occur in your Source Protection Area (SPA).

With the adoption of the new Water Supply Rule on December 29, 2000, all public community and non-transient, non-community water systems must update their approved Source Protection Plans *every three years*. Prior to this Rule, the updates were required annually.

The following steps should be completed for your SPP Update:

- Inspect Source Protection Area and Update Potential Sources of Contamination (PSOCs) Map
- Evaluate Risks from New PSOCs
- Identify Risk Management Measures for new PSOCs
- Update Landowner List
- Summarize Implemented Source Protection Measures
- Communicate with Relevant Landowners and Town/County/State Officials

Inspect Source Protection Area and Update Potential Sources of Contamination Map

The most important first step in updating your SPP is to visually inspect your Source Protection Area. As you drive or walk around your SPA, you should carry along your existing PSOC Map and SPP so that you can review the PSOCs that were identified in the original SPP. Are these PSOCs still there? In addition, the SPA should be scanned for new land uses within the SPA that could have an impact on your source. Make a list of these new PSOCs and make the necessary changes to the existing list of PSOCs. Then you will need to make the appropriate changes to the PSOC Map in your plan.

Evaluate Risks from New PSOCs

After you have identified the new land uses that could impact your well, you will need to evaluate the relative risk that each PSOC poses to your water source. This evaluation should be based on many factors including proximity to the

source, the nature of the PSOC (toxicity of the contaminant), the source type and source construction integrity, the volume of the contaminant, the nature of the soils in the area, and the characteristics of the aquifer. This evaluation can be challenging, so if you have any questions about how to rank the risk for a particular PSOC, please call us to see if we can give you some additional guidance.

Identify Risk Management Measures for new PSOCs

For any new PSOC that is identified, you should develop a plan to minimize the risk it poses to your water source. In many instances, this can be as simple as sending a letter to the property owner to let them know they are located in the SPA for your water system. In other instances, a more aggressive management option may be appropriate.

Update Landowner List

Visit your town clerk's office to determine whether any properties within your SPA have changed ownership. Add the new property owners names and addresses to your existing landowner list in the SPP. You should also remove property owners from the list who are no longer there. The new property owners within your SPA should receive the "SPA Notification" letter. As mentioned above, this letter should tell the new owner that activities on their property have the potential to contaminate your public water supply. Raising the landowners' awareness is a simple and effective way to help protect your source.

Summarize Implemented Source Protection Measures

The SPP Update is a great opportunity for you to let everyone know what you have done over the last three years to help protect your source. Have you worked with a local farmer to reduce pesticide and/or fertilizer use in your SPA? Have you purchased any key pieces of land in your SPA with the goal of protecting your source from potentially harmful activities? Have you posted signs at the borders of your SPA to notify people when they are entering this sensitive land area? We encourage

you to use the SPP Update as an opportunity to boast about the progress you have made.

Communicate with Relevant Landowners and Town/County/State Officials

Communication with the landowners in your SPA and with key town, county, or state officials (including Planning Commissions) is an important piece of the source protection puzzle. Reminding people every three years about the presence and importance of your Source Protection Area is a good way to prevent possible problems in the future. It can be as simple as reminding a local resident that they need to pump out their septic tank or reminding the local officials that future development within your SPA needs to be evaluated carefully before proceeding.

Need A Better Source Protection

Area?

By Kevin McGraw, Hydrogeologist

In the near future, the Water Supply Division will be contracting with several consultants on a new project to redelineate Source Protection Areas (SPAs) for public wells and springs within the State. If a SPA has never been hydrogeologically delineated for your well or spring, it has been assigned a default 3,000-foot radius circle as its SPA. This circle does not accurately reflect the area of land contributing water to your source. The goal of this new project will be to provide our State's drinking water systems with much

Call Kevin McGraw at 802-241-1413 or 800-823-6500.

more meaningful Source Protection Areas. Then, you will be able to focus your source protection efforts on land areas that truly can have an impact on your source water.

First priority will be given to those systems having default 3,000-foot radius circles as SPAs, with smaller water systems receiving highest priority. Second priority will be given to those sources with inadequate or poorly-defined SPAs, again, with smaller water systems receiving the highest priority.

If you have a 3,000-foot radius SPA or if you believe that your SPA is poorly defined, please call to have your system put on the priority list.



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Water Supply Division

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