State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2867

February 24, 2000

Mr. Dennis Patnoe
Public Works Director
Town of Lancaster
25 Main Street
Lancaster, NH 03584

CERTIFIED MAIL (P 604 612 392)
RETURN-RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. ARD 2000-002

Re: Open Burning of Materials that Do Not Conform to the Provisions of CHAPTER ENV-A 1000 and PIP Authorization No. 7196

Dear Mr. Patnoe:

On November 24, 1999, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), performed an inspection at the Town of Lancaster's Solid Waste Transfer Station/Recycling Center ("the Facility") off Water Street at Tax Map R9, Lot 22, in Lancaster, NH ("The Station"). The purpose of the inspection was to determine compliance with the NH Admin. Rules Env-A 100-3600, NH Rules Governing The Control of Air Pollution, specifically, CHAPTER Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution, and AUTHORIZATION TO BURN WOOD & YARD WASTES, PIP No. 7196 ("PIP No. 7196") which authorizes the Town of Lancaster to operate a municipal burn site for untreated waste wood and brush.

At the time of the inspection, the DES inspector observed remnants of unauthorized material from a smoldering burn pile, specifically, wood over 5" in diameter, furniture springs, barrel rings, glass, cans, crates with plastic and fabric covering, and aluminum flashing.

Based upon the findings of the inspection, DES has determined that the Landfill has been operating in violation of Env-A 1001.04(a)(2) and Conditions Number 2(a)(b) and Number 10 of PIP No. 7196.

Env-A 1001.04(a)(2) restricts any city or town to burning only brush or untreated wood.

Condition No. 2(a)(b) requires all burning to be conducted in accordance with the requirements of Env-A 1000 and that the following materials only shall be accepted and treated at the burn site:

a. **"Brush"**, defined to mean tree tops, limbs, saplings, and tree cuttings, to include attached leaves which are five inches in diameter or less, and slash which measures five (5) inches in diameter or less; and

b. **"Untreated wood"**, defined to mean any timber, board, or sawn dimensional lumber which has not been treated, coated, or preserved. This term does not include any manufactured building material, such as plywood or waferboard.

Condition No. 10 requires that all fires shall be completely extinguished at the end of the normal workday, with no overnight smoldering at the burn site.

DES believes that the above-referenced deficiencies can be resolved if the Landfill adheres to the following procedures:

1. Separate materials that do not meet the specifications of Condition 2 of PIP No. 7196 from the burn area, and burn only permissible materials as described in PIP No. 7196;

2. Completely extinguish all fires at the end of the normal workday, with no overnight smoldering at the burn site as required in Condition 10 of PIP No. 7196; and

3. Submit a statement in writing to DES within ten (10) days of receipt of this Letter of Deficiency attesting that if open burning activities continue they will be conducted in accordance with PIP No. 7196 and Env-A 1000.

Attached is a copy of PIP No. 7196 and Env-A 1000 for your reference. Please submit the requested information, within the specified time frame, to the following address:

Ms. Mary Ruel
New Hampshire Department of Environmental Services
Air Resources Division, Compliance Bureau
6 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

In the event that compliance is not achieved within the specified time frame, DES may take further action against you, including issuing an administrative order, seeking administrative fines, revoking PIP No. 7196, and/or referring this matter to the NH Department of Justice for civil and/or criminal penalties. Please note that DES may conduct follow-up inspections to verify your compliance with air pollution control requirements.

If you have any questions concerning this letter of deficiency, please contact Ms. Mary Ruel, Compliance Bureau, Air Resources Division, at (603) 271-6795.

Sincerely,

COPY

Robert R. Scott
Administrator
Compliance Bureau
Air Resources Division

RRS:mtc
Enclosure: PIP No. 7196 and Env-A 1000

cc: K. A. Colburn, DES O/C
G. Rule, DES O/C
T. McCusker, EPA, Region I
Board of Selectmen – Town of Lancaster
Robert D. Nelson, Chief, Forest Protection, DRED

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