State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381

March 15, 2001

Mr. Gene Cordes
Chairman
Board of Selectmen
Town of Fremont
295 Main Street
P.O. Box 120
Fremont, New Hampshire 03044

CERTIFIED MAIL (7099 3400 0002 9773 8778)
RETURN-RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. ARD 2001-006

RE: Open Burning of Non-Conforming Materials

Dear Mr. Cordes:

On June 16, 2000 and October 27, 2000, the New Hampshire Department of Environmental Services, Air Resources Division (DES), performed inspections at the Fremont Solid Waste Recycling Center Facility (Facility) located at 113 Danville Road on Tax Map 2, Lot 31 in Fremont, NH. The purpose of the inspections was to determine compliance with the NH Admin. Rules Env-A 100-3600, specifically, Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution, and Authorization to Burn Brush and Untreated Wood, PIP No. 13652 (PIP No. 13652) which authorizes the Town of Fremont to operate a municipal burn site for untreated wood and brush.

At the time of the June 16, 2000 inspection, the DES inspector observed the following charred non-conforming materials in the burn pile: painted wood and furniture. The burn area also contained the following non-conforming materials: paper, trash, vinyl siding, tire remains, furniture, painted wood, PVC pipe and pressure treated lumber.

During the October 27, 2000 inspection, the DES inspector observed the following charred non-conforming materials in the burn pile: painted wood, shingles and assorted metals. The burn pile also contained the following non-conforming materials: painted wood, pegboard, wafer board, cardboard, plywood, insulation, vinyl siding, a car seat, painted wicker furniture, pressure treated lumber, windows and Styrofoam insulation.

Based upon these findings, DES has determined that the Facility has been operating in violation of Env-A 1001.04(a)(2), Division Authorization for Certain Open Burning; Condition 2 of PIP No. 8937, and Env-A 1001.05, Absolute Prohibition Against Burning Tires or Tubes.

Env-A 1001.04(a)(2) restricts any city or town from burning anything except brush or untreated wood.

Condition 2 of PIP No. 739 requires all burning to be conducted in accordance with the requirements of Env-A 1000 and that only brush and untreated wood, as defined in Env-A 101, shall be accepted and treated at the burn site:

a. Env-A 101.54 defines **Brush** as "tree tops, limbs, saplings and tree cuttings, to include attached leaves, which are five (5) inches in diameter or less"; and
b. Env-A 101.286 defines **Untreated wood** as "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 wafer board."

Env-A 1001.05 provides that "no tires, tubes or any portion thereof shall be burned in the ambient air at any place in the state for any reason" and that "tires, tubes or any portion thereof which are received at any dump shall be separated from the waste and disposed of by a feasible means other than open burning".

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

1. Burn only brush and untreated wood as described in PIP No. 13652, Env-A 101.54 and Env-A 101.286. Separate materials that do not meet the specifications of Condition 2 of PIP No. 13652, Env-A 101.54 and Env-A 101.286 from the burn area;

2. Refrain from burning tires as provided in Env-A 1001.05; and

3. Submit a written statement 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. 13652 and Env-A 1000.

Attached is a copy of PIP No. 13652, Env-A 101.54, Env-A 101.286 and Env-A 1000 for your reference. Please submit the requested information, within the specified time frame, to the following address:

Ms. Mary Ruel, Enforcement Section Supervisor
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 compliance is not achieved within the specified time frame, DES may initiate formal action, including issuing an order requiring the deficiencies to be corrected and/or referring this matter to the NH Department of Justice for civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

If you have any questions concerning this Letter of Deficiency, please contact Ms. Mary Ruel, Enforcement Section Supervisor, Compliance Bureau, Air Resources Division, at (603) 271-6795.

Sincerely,

COPY

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

Enclosure: PIP No. 13652, Env-A 101.54, Env-A 101.286 and Env-A 1000

cc: K. A. Colburn, DES O/C
G. Rule, DES O/C
T. McCusker, EPA, Region I
R. Reed, DES WMD

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