The State of New Hampshire

*Department of Environmental Services*

**Michael P. Nolin**
Commissioner

February 8, 2006

Steven Longsdale
Linda Rogers
Classic Cut Stone, Inc.
752 US Route 4
Canaan, New Hampshire 03741

**CERTIFIED MAIL (7099 3400 0018 1290 6528)**
**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**
**No. ARD 06-003**
**(Sta.S.)**

ADMINISTRATIVELY CLOSED
NO LOC
LEGAL UNIT NOTIFIED
Date: 8/3/2006

**RE: Classic Cut Stone, Inc.**
**Formerly 702 Route 10, Croydon, NH 03773**

Dear Ms. Rogers and Mr. Longsdale:

On September 19, 2005, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") received a complaint about noise coming from a large generator operating at Classic Cut Stone, Inc. ("CCS") in Croydon. On September 22, 2005 and November 30, 2005, DES conducted a compliance inspection at CCS. The purpose of the inspection was to determine CCS's compliance status with NH Admin. Rules Env-A 100 *et seq.* The purpose of this Letter of Deficiency ("LOD") is to notify you, the owners of CCS, of the violations discovered during the inspection and to present the necessary action needed to resolve them. The specific violations are as follows:

1. Env-A 603.01 prohibits a person from installing a device that requires a permit without first applying for and obtaining a temporary permit. Env-A 607.01(d) requires the owner or operator of one or more internal combustion engines with a total heat-input design rating of 1.5 MMBtu/hr or greater to obtain a temporary permit. CCS installed a diesel generator with a heat-input design rating of greater than 1.5 MMBtu/hr in 2004 without first obtaining a temporary permit.

2. Env-A 1405.01 requires the owner or operator of any device or process that emits a regulated toxic air pollutant to determine compliance with the ambient air limits ("AAL") listed in Table 1450-1. Calcium carbonate, which is emitted during the limestone cutting and finishing process at the facility, is a regulated toxic air pollutant. CCS has not performed a compliance determination of its toxic air emissions.

3. Env-A 907.01(a) requires any stationary source subject to Env-A 600 to submit an annual emissions report. The report must be submitted for each calendar year of operations no later than April 15 of the following year. CCS has not submitted an annual emissions report for the year 2004.

4. Env-A 903.03 requires the owner or operator of a combustion device to maintain monthly records of:

    a. fuel consumption;
    b. fuel type; and
    c. sulfur content as percent sulfur by weight of fuel.

    CCS has not responded to a request by DES to view these records.

5. Env-A 1002.04 requires a person engaged in an activity that emits fugitive dust to take precautions to control such emissions. During the September 22, 2005 inspection, DES inspectors observed uncontrolled fugitive dust being emitted through an open overhead door during grinding and sanding operations.

6. Env-A 705 requires any facility that is required to have a temporary permit, state permit to operate, or Title V operating permit, to pay to DES each year an emission-based fee as calculated pursuant to Env-A 705.03. Emission-based fees for calendar year 2004 emissions were due July 15, 2005. CCS has not paid emission-based fees for calendar year 2004 emissions.

In December of 2005, CCS moved to a new facility in Canaan, NH. Mr. Longsdale stated to the DES inspector on November 30, 2005, that the generator would not be needed at the new facility, and that the new facility has a dust collection system. Thus, assuming CCS is no longer using the generator; CCS is no longer obligated to apply for a permit to operate it. Further, assuming the new facility has an adequate dust collection system in operation, the fugitive dust problem is resolved. For DES to conclude that these deficiencies are resolved, additional information is needed. DES believes that CCS can resolve the above-referenced deficiencies by taking the following actions:

7. On or before **March 1, 2006**, CCS shall submit the annual emissions report for 2004 emissions specified in paragraph 3 above.

8. On or before **March 1, 2006,** CCS shall submit copies of fuel consumption records and fuel sulfur content records for 2004 and 2005.

9. On or before **March 1, 2006**, CCS shall inform DES of the current status of the generator. If CCS still owns or leases the generator, note its current location and whether or not it is still connected to a fuel source and future plans for the generator.

10. On or before **March 1, 2006**, CCS shall provide documentation of the existence and operating conditions of the dust control system at the Canaan facility.

11. On or before **April 3, 2006**, CCS shall provide documentation of compliance with the AALs as specified in paragraph 2 above.

12. On or before **April 15, 2006,** CCS shall submit emission-based fees for calendar years 2004 and 2005. The fee for calendar year 2004 emissions is $86.75 per ton, and the fee for calendar year 2005 emissions is $88.61 per ton.

As a reminder, if CCS decides to install any device that is required to be permitted according to Env-A 607.01, CCS shall first apply to DES for a temporary permit. Also, if CCS finds that it is not in compliance with any of the AALs specified in Env-A 1450.01, it shall submit an application for a permit to DES for the device or process that exceeds the AAL in accordance with Env-A 1403.01. The application shall include a description of the controls or process modifications that CCS intends to use to comply with the AAL or a compliance plan that stipulates the actions with deadlines for performance that CCS shall use to comply with the AAL. Finally, CCS should be aware that the annual emissions report for calendar year 2005 emissions is due by April 15, 2006, as required by Env-A 907.

In the event compliance is not achieved within the time periods indicated, DES may initiate formal action against CCS, including issuing an order requiring the deficiencies to be corrected, and/or referring this matter to the NH Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

Please be advised that DES will continue to monitor CCS's compliance status and that this letter does not provide relief against any other existing or future violations. In the event that other violations are identified, DES may take further action against CCS, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Barbara Hoffman at (603) 271-7874, Compliance Bureau, Air Resources Division. If you have any questions regarding the AAL compliance demonstration, please contact Patricia A. North, Air Toxics Program Manager, at (603) 271-0901. A current copy of Env-A 100 *et seq.* can be obtained from the DES website at *http://www.des.state.nh.us/Rules/air.htm*, or by contacting the DES Public Information Center at (603) 271-2975.

Sincerely,

COPY

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/blh

cc: R. Kurowski, EPA Region 1
G. Hamel, NHDES Legal Unit
J. Harding, Chair, Town of Croydon Board of Selectmen
W. MacDonald, Chair, Town of Canaan Board of Selectmen
AFS #3301990160