The State of New Hampshire

Department of Environmental Services

Michael P. Nolin
Commissioner

March 3, 2006

Mr. John G. MacLellan III
President
Granite State Concrete Co., Inc.
P.O. Box 185
Milford, New Hampshire 03055

CERTIFIED MAIL (7005 1160 0004 7467 6376)
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION
(Sta.S)

RE: Forest Road
Wilton, NH

Dear Mr. MacLellan:

On May 13, 2004, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") conducted a compliance inspection at Granite State Concrete Co., Inc., in Wilton, NH ("the Facility"). Granite State Concrete Co., Inc., is a subsidiary of J.G. MacLellan Concrete Co., Inc., which is headquartered in Lowell, MA. Since various records were not present at the Facility at the time of the May 13, 2004 inspection, a records' review was then performed at the parent corporation's headquarters on May 26, 2004. The purpose of the inspection was to determine the Facility's compliance status with State Permit to Operate PO-BP-2782 ("the Permit") and NH Administrative Rules Env-A 100 *et seq.* The purpose of this letter is to notify you of the violations discovered during the inspection and subsequent file review. The specific violations are as follows:

1. Env-A 603.01 requires a person to apply for and obtain a temporary permit prior to installing a device that requires a 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. The Facility installed Generator #2, a 3.71 MMBtu/hr engine, in 2003 without first obtaining a temporary permit. The Facility applied for a temporary permit for Generator #2 on July 15, 2004.

2. Env-A 2805.01 and Condition VI.B. of the Permit require the Facility to control fugitive emissions from vehicular traffic over access roads by wetting the roads as necessary. During the May 13, 2004 inspection, no effort was made to wet the roads to control the very dusty conditions observed by the DES inspector.

3. 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants, requires the Facility to conduct visible emissions testing at all emission points for all crushing and material handling equipment for which construction commenced after August 31, 1983, within 180 days of installation. Various devices subject to Subpart OOO were installed after August 31, 1983, but the required testing was not conducted within 180 days after installation. The Facility conducted the required testing August 23, 2004.

4. Env-A 705.04(a) requires a facility owner or operator to submit annual emission-based fees, for emissions generated during calendar year 2003 or earlier, to DES by October 15 of the following calendar year. The Facility failed to submit to DES fees owed for calendar years 1994 through 2001 until February 16, 2006.

5. Env-A 903 and Condition VIII of the Permit require the Facility to maintain monthly records of the dates and hours of operation for the Aggregate Processing Plant, amount of aggregate produced each day, amount of fuel consumed, the type of fuel burned, and the hours of operation of each generator/engine. At the time of the May 13, 2004 inspection, such records were not being kept by the Facility.

DES believes that no further action in response to the listed violations is required. DES requests that the Facility use its water truck when necessary to control dust from the access roads, and to comply with all recordkeeping and reporting obligations contained in the Permit. In the event that other violations are identified, DES may take action, 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, Enforcement Section Supervisor at (603) 271-7874. A current copy of the Air Resources Division Rules can be obtained from the DES website at *http://www.des.nh.gov/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, US EPA Region 1
G. Hamel, NHDES Legal Unit Administrator
Jerry Greene, Chair, Wilton Board of Selectmen
AFS #3301191192