The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

March 22, 2006

Mr. Mario LeClerc
Superintendent
Wastewater Treatment Facility
City of Nashua
Sawmill Road
Nashua, New Hampshire 03060

CERTIFIED MAIL (7005 1160 0004 7467 6437)
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION
(Sta.S)

Dear Mr. LeClerc:

On December 14, 2005, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") conducted a compliance inspection at the City of Nashua Wastewater Treatment Facility ("the Facility"). The purpose of the inspection was to determine the Facility's compliance status with NH Administrative Rules Env-A 100 *et seq.*, State Permit to Operate PO-B-2007 ("the North Engine Permit"), Temporary Permit TP-B-0466 ("the Emergency Generators Permit"), and Temporary Permit TP-B-0452 ("the Waukesha/Waste Gas Burner Permit"). These permits, which were issued October 5, 1999, December 5, 1999, and January 7, 1999, respectively, expired on October 31, 2004, June 30, 2001, and June 30, 2000. The Facility submitted an application to renew the North Engine Permit on November 29, 2001, and to add the devices that were previously covered by the temporary permits.

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 705, *Emission-Based Fee,* requires a facility owner or operator to annually submit emission-based fees for emissions generated during the prior calendar year. The Facility did not submit to DES fees owed for calendar years 1997 and 1998 until calendar year 2000. Thereafter, the Facility did not submit to DES fees owed for calendar years 2000 through 2004 until March 3, 2006. Fees owed for calendar years 1999 and 2005 were timely paid, and all past-due fees have now been submitted.

2. Env-A 907.01 requires the Facility to submit annual emission reports to DES. The Facility failed to submit annual emission reports for calendar years 2000 through 2004. For calendar years 2000 through 2002, fuel usage records for the North engine were submitted to DES in lieu of emission reports. Fuel usage records for calendar years 2003 through 2005 were submitted to DES on January 7, 2006.

3. Env-A 903 and Condition VIII.C. of the North Engine and Emergency Generators Permits require the Facility to maintain monthly records of the hours of operation, amount of fuel consumed, and the type of fuel burned in each engine. The Facility did not maintain these records during a period beginning with the installation of the engines in 1999 and ending in June 2002. Condition VIII.A. of the Waukesha/Waste Gas Burner Permit requires the Facility to maintain daily records of the hours of operation and amount of digester gas consumed in each device. Such records were not kept by the Facility until July 2003.

4. Condition III.A. of the Emergency Generators Permit limits each emergency generator to no more than 500 hours of operation in any consecutive 12-month period. Though the Facility failed to maintain monthly records of the hours of operation of each emergency generator until June 2002, it did record total hours of operation from installation until the present. The Central emergency generator was installed in 2001, and it had operated 2,646 hours by the December 14, 2005 inspection. Dividing that total by five years produces an average of 529 hours of operation per year. This will be addressed in the permit that is currently being drafted by DES for the Facility.

DES believes that no further action in response to the listed violations is required. However, DES requests that the Facility continue to comply with all recordkeeping and reporting obligations contained in the Permits. While DES can assist with the calculation of emissions, the Facility is responsible for submitting annual emission reports to DES. If you or your staff, need assistance in this regard, please contact Sonny Strickland at (603) 271-6283, and he will send you a spreadsheet that will calculate emissions and fees after the Facility inputs the appropriate data.

DES recognizes the efforts that the Facility has taken to come into compliance, including its payment of emission-based fees for calendar year 2005 emissions prior to the April 15, 2006 deadline.

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
Bernard Streeter, Mayor, City of Nashua
AFS #3301191104