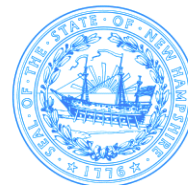




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Robert R. Scott, Commissioner

August 6, 2018

CERTIFIED MAIL # 7017 2680 0000 0644 5709

**LETTER OF DEFICIENCY
WMD LOD #18-196**

BY EMAIL AT: JULIANO@TURNKEYLUMBER.COM

JULIANO FERNANDES OWNER
TURNKEY LUMBER INC
305 LEOMINSTER SHIRLEY ROAD
LUNENBURG MA 01462

Subject Site: **Fitzwilliam** – Former Concord Industries, Inc., 179 Route 12
NHDES Site #198905021, UST Facility #0112678

Reference: **Failure to Conduct Periodic UST Testing and/or Reporting
Requirements**

Dear Mr. Fernandes:

This letter contains important information that affects the continued operation of the subject site/facility. Specifically:

Because the facility is not in compliance with RSA 146-C, you currently are not eligible for reimbursement of cleanup costs incurred should a spill or release occur at your facility.

RSA 146-C authorizes the New Hampshire Department of Environmental Services ("NHDES") to regulate the installation, maintenance, operation, licensing, and closure of underground storage tanks ("USTs"). Pursuant to RSA 146-C:9, NHDES has adopted NH Code of Admin. Rules Env-Or 400 to set forth the requirements for UST facilities by establishing criteria for registration and permitting, standards for design, installation, operation, maintenance, and monitoring of such facilities (the "UST Rules").

NHDES conducted a file review of the existing UST facility at the subject site. Our review indicates that the deficiencies identified below have not been complied with to date. NHDES hereby issues Letter of Deficiency ("LOD") WMD LOD #18-196.

The current deficiencies and actions needed are as follows:

Deficiency #1: Failure to comply with temporary closure requirements.

During the file review the NHDES records, NHDES determined that tank #4 has been temporarily closed, since January 15, 2015. Env-Or 408.04(f) requires any portion of a UST system with secondary containment and leak monitoring that has been temporarily closed for three years, must be: reactivated per Env-Or 408.04(h); allowed to remain in temporary closure provided certain conditions are met per Env-Or 408.04(i); or permanently closed within 30 days per Env-Or 408.06 through 408.10. Please submit documentation of implementation of whichever option you selected.

www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, NH 03302-0095

Telephone: (603) 271-3899 Fax: (603) 271-2181 TDD Access: Relay NH (800) 735-2964

Deficiency #2: Failure to designate class A and B operator(s).

During the file review of NHDES records, NHDES determined that a UST Statement of Training under the ownership of Turnkey Lumber, Inc. was not on file with NHDES. RSA 146-C:17, I prohibits anyone from operating a UST facility without designated class A, B, and C operators who have been trained and certified in accordance with an approved training program. To correct this deficiency, please have at least one employee that has primary responsibility for operating and maintaining the Facility to attend UST Operator Training and submit a statement of training (enclosed) designating certified class A and B operators for the subject site. Please visit the UST Operator Training website at <http://des.nh.gov/organization/divisions/waste/orcb/ocs/ustp/operator-training/index.htm> to view a list of upcoming classes offered by NHDES and other approved class A and B training programs.

Deficiency #3: Failure to report changes in information on the UST Registration form.

Based on a subsequent file review, the UST registration form on file lists 179 NH Route 12 North, LLC as the facility owner; whereas NHDES received information that the facility was sold to Turnkey Lumber, Inc. RSA 146-C:3 and 6, state that when a transfer of ownership takes place, the new owner must notify NHDES of the transfer by submitting an UST registration form to NHDES within 10 days of the change. Please provide an updated registration form for the facility within 10 days of the date of this letter, if inaccurate.

NHDES believes you can correct deficiencies #1 and #2 as noted in this letter within **30 days**, and deficiency #3 as noted in this letter within **10 days**.

RSA 146-C authorizes NHDES to issue an administrative order requiring the deficiencies be corrected, impose administrative fines up to \$2,000 per offense, prohibit the delivery of fuel, and refer the matter to the NH Department of Justice for the imposition of civil penalties or criminal prosecution. Fines may be pursued for any or all deficiencies observed during any previous site visits and any future site visits. In addition, because the subject facility is in violation of RSA 146-C, **you currently are not eligible for reimbursement of cleanup costs incurred should a spill or release occur at your facility.**

Please contact me or Matthew Jones in the Waste Management Division of NHDES as soon as the above deficiencies are corrected, or if you already have corrected them. Matthew can be reached at (603) 271-3899 or by email at Matthew.Jones@des.nh.gov. Please also contact me or Matthew if you have any questions regarding this letter.

Sincerely,



Michael W. Juranty, P.E., Supervisor
Oil Compliance Section
Tel: (603) 271-6058
Fax: (603) 271-2181
Email: Michael.Juranty@des.nh.gov

Enclosures: Statement of Training
UST Registration Form

cc: NHDES Legal Unit

Turnkey Lumber, Inc.
NHDES Site #198905021, UST Facility #0112678
August 6, 2018
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ec: Fitzwilliam Health Officer
 Sarah Yuhas Kirn, P.G., Administrator, ORCB
 Matthew Jones, Chief, Compliance & Enforcement Subsection, ORCB
 Spruce Wheelock, UST Leak Prevention & Operator Training Specialist, ORCB
 Laura Weit-Marcum, Enforcement Coordinator, ORCB
 Emily Szmyt, Enforcement Specialist, ORCB