



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

August 26, 2021

BY CERTIFIED MAIL # 7015 3010 0000 1292 9732

BY EMAIL AT: MIKE@TURNKEYLUMBER.COM

**NOTICE OF
INTENT TO RED TAG
IRT #21-011**

Mike Rossi
Fitzwilliam, LLC
305 Leominister Shirley Road
Lunenburg, MA 01462

Subject Site/Facility: Fitzwilliam – Turn Key Lumber, 179 Route 12 North
NHDES Site #198905021, UST Facility #0112678

Reference: Intent to Red Tag IRT #21-011

Dear Mr. Rossi:

This letter contains important information that affects the continued operation of the subject facility.

If you do not correct deficiency #1 as described below within 10 days of this letter, the non-compliant UST system(s) will be subject to be red-tagged by New Hampshire Department of Environmental Services (NHDES).

Additionally, the facility is not in compliance with RSA 146-C, and therefore is not eligible for reimbursement of cleanup costs incurred should a spill or release occur.

On August 6, 2018, NHDES issued Letter of Deficiency WMD LOD #18-196 to Turnkey Lumber, LLC for failure to comply with temporary closure requirements. NHDES has not received documentation verifying the cited deficiency has been corrected. This deficiency remains outstanding and requires your immediate attention.

On July 25, 2019, NHDES staff conducted a compliance inspection of the UST facility at the subject site (July 2019 Inspection). NHDES conducts compliance inspections of underground storage tank (UST) facilities to determine the facility's compliance with N.H. RSA 146-C, Underground Storage Facilities, and N.H. Code Admin. Rules Env-Or 400, Underground Storage Tank Facilities (UST Rules). By inspection report dated July 25, 2019, NHDES provided you with a list of the deficiencies that were discovered, and informed you that the deficiencies should be corrected within 30 days and verification should be submitted to NHDES within 45 days.

NHDES has not received documentation addressing any of the deficiencies identified in the inspection report. **Therefore, pursuant to RSA 146-C:15, NHDES hereby notifies you of its intent to red-tag the non-compliant UST system (tank #4) for deficiency #1.**

RSA 146-C:14, Delivery Prohibition, prohibits any person from delivering or causing the delivery of oil to a non-compliant UST that has been red-tagged, and prohibits the owner or operator of a facility from depositing or allowing the deposit of oil into a UST that has a red tag affixed to the tank or facility's fill pipe.

www.des.nh.gov

PO Box 95, 29 Hazen Drive, Concord, NH 03302-0095

Telephone: (603) 271-3899 Fax: (603) 271-2181 TDD Access: Relay NH 1-800-735-2964

Please be aware that NHDES has adopted new regulations, effective October 10, 2018. A copy of the new regulations can be found online at the website listed below.

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Or%20400.pdf>

The deficiencies for all tanks are listed below.

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

During the July 2019 Inspection, the NHDES inspector determined UST system (tank #4) has been temporarily closed since January 15, 2015.

Env-Or 408.04(e) requires any portion of a UST system with secondary containment and leak monitoring that has been temporarily closed for 3 years shall, within 30 days be reactivated per Env-Or 408.04(f), allowed to remain in temporary closure provided the conditions specified in Env-Or 408.04(g) are met or permanently closed in accordance with Env-Or 408.06 through 408.10.

To correct this deficiency, permanently close all double-wall UST system(s) that have been temporarily closed for more than 36 months and not recertified within 30 days. Notify NHDES of the UST system(s) closure and submit a closure notification form at least 14 days prior to the closure which includes providing the date of closure, the ICC U2 certified individual who will be on-site during all closure related activity and other information required by Env-Or 408.06. Submit a closure report to NHDES within 30 days after the closure, as required by Env-Or 408.10.

The Commissioner of NHDES is authorized by RSA 146-C:10-a to impose administrative fines up to \$2,000 per offense for any violation of RSA 146-C or Env-Or 400. NHDES also has authority to issue an administrative order to require you to correct the deficiencies and to refer the case to the NH Department of Justice for civil penalties and/or criminal prosecution.

Please contact the undersigned in the Waste Management Division of NHDES as soon as the above deficiencies are corrected, or if you already have corrected them. Please also contact the undersigned if you have any questions regarding this letter.

Sincerely,



Matthew A. Jones, Compliance & Enforcement Subsection Chief
Oil Compliance Section
Tel. No. (603) 271-2986
Email: Matthew.Jones@des.nh.gov

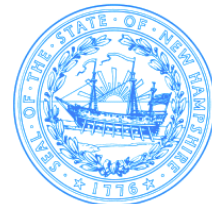
Enclosures: July 25, 2019 UST Facility Inspection Report
UST Registration Form
UST Closure Notification Form
RSA 146-C:14, 15, & 16: Delivery Prohibition

cc: NHDES Legal Unit

ec: Juliano Fernandes (juliano@turnkeylumber.com)
Fitzwilliam Health Officer
NHDES IRT List
Suzanne Picone, UST Leak Prevention & Operator Training Specialist, ORCB



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

7/25/2019

MIKE ROSSI
FITZWILLIAM LLC
305 LEOMINSTER SHIRLEY RD
LUNENBURG, MA 01462-

Subject Site: FITZWILLIAM, CONCORD INDUSTRIES INC, 179 RTE 12 NORTH
DES Site # 198905021, UST Facility # 0112678

Reference: Underground Storage Tank Facility Inspection Report

On July 25, 2019 the New Hampshire Department of Environmental Services, Waste Management Division (DES) conducted an inspection of the underground storage tank (UST) system(s) at the subject site. The inspection was conducted to determine the level of compliance with key elements of the New Hampshire Code of Administrative Rules Env-Or 400 Underground Storage Facilities (UST Rules) and Env-Or 500, Recovery of Gasoline Vapors. These rules were established for the purpose of reducing the number of product releases to the environment from UST systems and to establish a leak detection system which would alert a facility owner or operator before significant environmental damage and economic loss occurs. The inspection conducted at this facility is part of the DES release prevention effort.

Deficiencies noted during this inspection warrant your facility to be considered in substantial non-compliance with applicable rules. This means they pose a threat of a release to the environment and may result in a release going undetected. The following deficiency(ies) requires your immediate attention:

TANK #4 (Containing #2 HEATING OIL with Capacity of 10000 gallons)

Env-Or 408.04-10 requires that temporary and permanent closure requirements be met for certain UST systems and components.

The DES inspector has determined that there is one or more double wall underground storage tank system(s) which have been temporarily closed for more than 36 months at this location that have not been recertified in accordance with Env-Or 408.04(i).

Please permanently close all double wall systems that have been temporarily closed and not recertified for more than 36 months within 30 days.

Env-Or 405.08 requires continuous leak monitoring of double wall tank systems and Env-Or 406.20 requires annual leak monitoring system testing for proper operation.

The leak monitor for the tank system listed was not installed.

Please provide monitor installation documentation.

Env-Or 405.09 and 406.08 require leak monitoring for piping be properly installed and continuously operate. The low point sump and leak monitoring system must be maintained pursuant to the requirements of Env-Or 406.08. Additionally, Env-Or 407.05(d) and Saf-C 6000 requires that UST system components be installed in accordance with fire code requirements.

The leak monitor for piping was not installed.

DES Web Site: www.des.nh.gov

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TDD Access: Relay NH 1-800-735-2964

Please provide monitor installation records or tank temporary closure results.

The above noted **deficiencies must be corrected within 30 days** of the date of this inspection. To verify that the proper corrective measures were taken, documentation, in the form of a report from the certified technician that effected the repair, testing results, invoices, inventory records, photographs, etc., indicating the date and description of the corrective measures taken must be **submitted to DES within 45 days** of the date of this inspection. Please be advised that failure to correct the deficiencies in a proper and timely manner will result in DES proceeding under the DES Compliance Assurance Response Policy to determine an appropriate enforcement response. Please note that New Hampshire RSA 125-C and 146-C authorize permit revocation, administrative fines not to exceed \$2,000 per violation, administrative orders, delivery prohibition, injunctive relief, and civil penalties not to exceed \$10,000 per violation per day of continuing violation, and \$25,000 for each continued day of a repeat violation.

Your signature below acknowledges that you were briefed by DES staff concerning the noted deficiencies. Should you have any questions concerning the content of this letter, please contact me in the Waste Management Division of DES at (603) 271-3899. DES appreciates your willingness to comply with the UST program in an effort to preserve New Hampshire's environment.

Sincerely,



7/25/2019

STEVE SCOTTON, Inspector

Date

7/25/2019

MIKE ROSSI, Facility Manager

Date

Important Dates

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	4	Past Due	Annual
LLD Function Check	N/A	N/A	Annual
Tank Corrosion Protection Test	N/A	N/A	Every 3 years
Piping Corrosion Protection Test	N/A	N/A	Every 3 years
Fittings Corrosion Protection Test	N/A	N/A	Every 3 years
Spill Bucket Tightness Testing	4	No previous test - Test Immediately	Every 3 years OR monthly interstice monitoring
Overfill Testing	4	No previous test - Test Immediately	Every 3 years
Primary Containment System Tightness Test	N/A	N/A	Every 3 years
Operator Monthly Checklist			Monthly
MICHAEL ROSSI - A Operator Training		6/26/2021	Every 2 years
MICHAEL ROSSI - B Operator Training		6/26/2021	Every 2 years