



DEPARTMENT OF ENVIRONMENTAL SERVICES



Robert R. Scott, Commissioner

December 04, 2024

Peter Pavao, Operations Manager
D. W. White Construction Corporation
8868 Middle Road
Acushnet, Massachusetts 02743

LETTER OF DEFICIENCY
No. ARD 24-013

Dear Mr. Pavao:

The purpose of this Letter of Deficiency is to notify D. W. White Construction Corporation (D. W. White) that the New Hampshire Department of Environmental Services (NHDES) has identified deficiencies, listed below, related to D. W. White's portable non-metallic mineral processing plant. NHDES has identified specific actions and timeframes to be achieved by D. W. White to demonstrate compliance.

Background

On August 14, 2024, NHDES responded to a complaint concerning fugitive dust originating from the Green Meadow Golf development site adjacent to Steele Road in Hudson New Hampshire. During the site visit, NHDES personnel observed and documented a portable non-metallic mineral processing plant that consisted of a cone crusher, a jaw crusher, and an associated conveyor (the Plant). You informed NHDES during the visit that you did not have a Permit by Notification (PBN) issued by NHDES for the Plant.

On October 3, 2024, you submitted a PBN application to NHDES for the Plant. On November 7, 2024, NHDES issued PBNID-00093 to you for the Plant.

Applicable Requirements

1. Env-A 603.01(e) and Env-A 2806.01 require the owner or operator of a portable non-metallic mineral processing plant with a capacity that exceeds 150 tons/hr to obtain a permit-by-notification prior to installing and operating the plant.

Outcome: NHDES determined that the Plant has a capacity that exceeds 150 tons/hr, and that D. W. White did not obtain a permit-by-notification prior to operating the Plant.

Requested Action: No action is requested at this time.

2. Env-A 2806.03 requires the owner or operator of non-metallic mineral processing plant that requires a permit-by-notification to submit a location change notice to NHDES and to the towns in which the plant was last located and currently located.

Outcome: On November 12, 2024, you notified NHDES that the Plant was no longer in New Hampshire and currently remains in Massachusetts. NHDES has no record of receiving a location change notice for the Plant.

Requested Action: For this most recent location change to Massachusetts and for any future location changes to, from or within New Hampshire, submit a location change notice to NHDES identifying the towns in which the Plant was last located and is currently located.

3. Env-A 2803.02 requires the owner or operator of a non-metallic mineral processing plant to complete successful compliance testing of the affected equipment for visible emissions and particulate matter emissions, as defined by Env-A 2802.01, in accordance with the requirements of 40 CFR 60, Subpart OOO, and Env-A 802.12 within 60 days of the plant achieving its maximum production rate or 180 days after startup, whichever is sooner.

Outcome: On November 12, 2024, you informed NHDES that the Plant is currently located in Massachusetts and have no current plans to relocate it to New Hampshire. You further stated that if the Plant is moved back into New Hampshire, you will notify NHDES in advance and will schedule the necessary visible emission testing as required.

Requested Actions:

- i. **Prior to restarting the Plant in New Hampshire**, notify NHDES in writing of the anticipated restart date.
- ii. **No later than 15 days after restarting the Plant in New Hampshire and at least 10 days prior to conducting compliance testing**, submit a written notification to NHDES regarding compliance testing that includes the information specified in Env-A 802.12(a).
- iii. **No later than 45 days after restarting the Plant in New Hampshire**, conduct compliance testing of affected equipment in accordance with the requirements of Env-A 802.12 and 40 CFR 60, Subpart OOO.
- iv. **No later than 60 days after compliance testing is performed**, submit to NHDES a summary report of the results of the compliance testing in accordance with the requirements of Env-A 802.12(c).

Enclosed for your reference is a list of stack testing companies and consultants that may be able to provide D. W. White with testing and reporting services.

Please address all information to Claude Planchet at email Claude.b.planchet@des.nh.gov or at the following address:

NHDES Air Resources Division
Enforcement Section
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

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

If you believe that NHDES has cited these violations in error, or have questions regarding these matters, please contact Claude Planchet, Senior Enforcement Specialist, at (603) 271-0885 or by email at claude.b.planchet@des.nh.gov. A current copy of the Air Resources Division Rules can be obtained from the NHDES website at [Env-A 100 - 4800](#), or by contacting the NHDES Public Information Center at (603) 271-2975.

Sincerely,

Thomas Guertin
Compliance Bureau Administrator
Air Resources Division

TVG/cbp

Enclosure: List of Stack Testing Companies and Consultants

cc: NHDES Legal Unit

ec: EPA Region 1

Administrator, Town of Hudson

AFS: 1101100297