



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

June 22, 2010

**CERTIFIED MAIL #7006 0810 0003 2417 4274
RETURN RECEIPT REQUESTED**

**Letter of Deficiency
No. WMD-10-018**

Hebron-Bridgewater Solid Waste District
Mr. Terence Murphy, Chairman
297 Mayhew Turnpike
Bridgewater, NH 03222

SUBJECT: Improper Transfer and Distribution of Chipped Construction and Demolition Debris from the Hebron-Bridgewater Solid Waste District, Located off Dick Brown Road, Bridgewater, New Hampshire

Dear Chairman Murphy and District Representatives:

On April 6, 2010, the Department of Environmental Services (DES) received a complaint alleging that the Hebron-Bridgewater Solid Waste District (District) had transferred solid waste consisting of chipped construction and demolition materials, including painted wood, fiber board, wood products containing adhesives, and pressure treated wood (hereinafter referred to as "C & D debris") from the District's facility located off Dick Brown Road, Bridgewater, New Hampshire to an unpermitted facility.

On May 7, 2010, DES staff inspected a gravel pit owned by Mr. Richard Hallberg, and located off Route 132 in New Hampton, and observed a large stockpile of the C & D debris. During the inspection and subsequently in a letter to DES dated May 11, 2010, Mr. Hallberg confirmed that from 2003 until 2007 he had hauled the C & D debris from the District's facility to his New Hampton gravel pit, intending to use the material as ground cover in the gravel pit.

Mr. Hallberg does not hold a solid waste facility permit, as required by RSA 149-M:9 and the New Hampshire Solid Waste Rules ("SW Rules"; ref. Env-Sw 100 – Env-Sw 2000), to collect and store solid waste at his gravel pit in New Hampton. Also, DES has no record that the District obtained any approvals as required by the SW Rules to distribute the C & D debris as a waste-derived product for use as ground cover.

Violations

This letter serves to inform the District that:

- (1) It has violated RSA 149-M:9 and Env-Sw 405.03(b) by transferring solid waste to an unauthorized facility.
- (2) It has violated Env-Sw 1502.01(a) by distributing solid waste for use as a product without approval to do so in accordance with the certification requirements specified in Env-Sw 1500.

DES Web Site: www.des.nh.gov

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

Telephone: (603) 271-2925 Fax: (603) 271-2456 TDD Access: Relay NH 1-800-735-2964



- (3) Pursuant to Env-Sw 506.03, the District is responsible for the proper closure of all sites where the C & D debris was distributed, including Mr. Hallberg's gravel pit located off Route 132 in New Hampton.

Corrective Actions

In response to the above cited violations, DES requests the District to take the following corrective actions:

- (1) **Within seven days**, notify the DES in writing as to the following:
- Name and contact information of all persons in addition to Mr. Hallberg, if any, who have removed C & D debris from the District's facility;
 - All location(s) where the C & D debris was transferred and distributed; and
 - The estimated quantity of C & D debris transferred to each such location.
- (2) **Within thirty days**, submit a written plan and time schedule for removal of all C & D debris from Mr. Hallberg's gravel pit and any other property to which the District has distributed C & D debris. The plan shall identify:
- The estimated quantity of C & D debris to be removed from Mr. Hallberg's gravel pit and all other identified distribution sites;
 - The means by which the C & D debris will be removed and transported to a permitted disposal or recycling facility;
 - The name, telephone number and mailing address of the person(s) who will be removing and hauling the C & D debris; and
 - The name, location, and permit number of the permitted destination facility(s); and
 - The estimated start date and the estimated completion date.

Note: For your convenience, a list of facilities in New Hampshire permitted to accept construction and demolition debris is provided below, including the facility location, telephone number, and contact person. Other facilities located outside of New Hampshire may also be able to accept construction and demolition debris.

NCES LINED LANDFILL	Bethlehem	223-2376	Mike Viani
MT. CARBERRY LANDFILL	Success	752-3342	Sharon Gauthier
WASTE MANAGEMENT INC.	Rochester	330-2170	Bill Howard
ERRCO [a recycling facility]	Epping	679-2626	Charlie Nelson

4. **Following DES approval of the plan and schedule for removal of the C & D debris**, implement the plan in accordance with the approved schedule.
5. **Within fourteen days after completing the removal of all C & D debris as specified in the approved plan**, submit a signed final report certifying for each site closed under the plan that the C & D debris has been properly removed and transferred to an authorized facility, and that each site is properly closed as specified in Env-Sw 1006.02. In addition, for each site closed

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under the plan, include the removal completion date and submit documentation needed to confirm the C & D debris was properly managed and transferred to an authorized facility, including bills of lading, disposal receipts, invoices, and other relevant documentation.

Please address correspondence and reports regarding this matter to:

Douglas Kemp, Waste Management Specialist
Waste Management Division
Department of Environmental Services
P.O. Box 95
Concord, NH 03302-0095
Phone: (603) 271-2927; fax: (603) 271-2456
e-mail: Douglas.kemp@des.nh.gov

Your prompt cooperation is appreciated. Please contact Mr. Douglas Kemp of the DES Solid Waste Management Bureau at 271-2925 or douglas.kemp@des.nh.gov if you have any questions or need further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Guilfooy".

Michael Guilfooy, P.E.
Administrator, Solid Waste Management Bureau
Tel: (603) 271-2925
Fax: (603) 271-2456
e-mail: michael.guilfooy@des.nh.gov

cc: Pamela Hoyt-Denison, P.E., Waste Program Administrator, WMD, DES
Gretchen Hamel, Legal Unit, NHDES
Wayne Wheeler, P.E., SWMB, WMD, DES
Doug Kemp, SWMB, WMD, DES
Board of Selectmen, Town of Hebron
Board of Selectmen, Town of Bridgewater
Mr. Richard Hallberg, Bridgewater, NH

DWK/dwk