



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 7, 2013

Edward J. Foley
General Manager
St. Lawrence & Atlantic Railroad
225 First Flight Drive
Suite 201
Auburn, ME 04210

Subject: North Stratford – St. Lawrence & Atlantic Railroad Bridge, Discharge of Creosote, DES Site #201212015, Project #29607

Dear Mr. Foley:

The New Hampshire Department of Environmental Services inspected the St. Lawrence and Atlantic Railroad Bridge located in North Stratford, New Hampshire (Bridge) on February 26, 2013. The Bridge crosses over the Connecticut River from North Stratford to Bloomfield, Vermont. The February 26, 2013 inspection was completed in response to a complaint about ongoing discharges of creosote from the Bridge into the Connecticut River and onto the associated river banks.

The following is a summary of the Department's observations from the February 26, 2013 inspection:

1. There was evidence of creosote dripping and staining on snow and ice along an extensive length of the Bridge.
2. There were several areas of creosote-stained soil.
3. There were several sheens in the Connecticut River.

Several photographs documenting the Department's observations are attached for your reference.

The Department first received complaints in April 2008 of creosote dripping from recently installed railroad ties. The Department issued Letter of Deficiency WMB SWQ 08-001 dated October 15, 2008 (2008 LOD) indicating that the discharge of creosote was a violation of RSA 485-A:8, Standards for Classification of Surface Waters of the State, and two sections of NH Code Admin. Rules Env-Wq 1700, Surface Water Quality Regulations.¹ The 2008 LOD requested your company correct the violations and take measures to prevent any further leakage of creosote into the Connecticut River. Absorbents were placed around the railroad ties in May 2009 with the intent to stop further discharges of creosote. The recent inspection by the

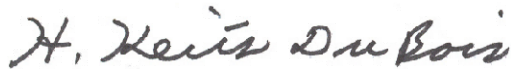
¹ A copy of the 2008 LOD is available at
<http://www2.des.state.nh.us/Legal/Documents/Letters%20of%20Deficiency/2008%20Letters%20of%20Deficiency/St%20Lawrence%20and%20Atlantic%20Railroad,%20Paul%20Boisvenue%20-%20LOD%20WMB%20SWQ%2008-001.pdf>.

Department indicates the initial response actions were insufficient and creosote continues to be discharged into the Connecticut River and on to the ground beneath the Bridge.

The continuing discharge of creosote nearly five years after the original complaint and the ineffectiveness of the actions taken to date demonstrate that additional timely actions are required to eliminate the on-going discharges of creosote into the river. The Department thus would like to schedule a meeting with you to discuss the situation, including what steps your company has taken to attempt to minimize the creosote discharges and what actions need to be taken on what schedule to permanently eliminate the creosote discharges as early in the 2013 construction season as possible.

Please contact John Regan at 603-271-3744 on or before March 18, 2013 to schedule the meeting. Failure of the St. Lawrence & Atlantic Railroad to address this matter will result in formal enforcement action being initiated by the Department. Such action may include issuing an administrative order, seeking administrative penalties, and/or referring the matter to the N.H. Department of Justice for judicial action.

Sincerely,



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Steve Novick, USEPA
Tara E. Bamford, North Country Council, Inc.
Bill Schomburg, Connecticut River Headwaters Local Advisory Committee

