



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

October 3, 2008

Christine Lombard
U.S. EPA – New England (Mail Code: HIO)
One Congress Street, Suite 1100
Boston, MA 02114-2023

BROWNFIELDS ELIGIBILITY DETERMINATION

RE: Manchester – Golomb's Market, 66 Union Street, DES Site #200604051,
Project #15484, Project Type Spill/Release

Dear Ms. Lombard:

The New Hampshire Department of Environmental Services (DES) has completed the following evaluation of the eligibility of the Golomb's Market facility in Manchester, New Hampshire in accordance with the provisions of Section 101 (39)(d)(II)(bb) of CERCLA. Based on information in our files and provided to DES by the property owner, DES has determined that there is no viable responsible party at this site. DES applied a two-step process where it first determined whether a responsible party (RP) exists and then it evaluated the RP to determine whether the RP was financially viable in terms of their ability to perform site environmental work. The following brief explanation summarizes our findings.

The owner of Golomb's Market is 92 years old and lost his primary source of income when the grocery store was closed two years ago. The store closed due to declining sales and a pending purchase and sales agreement. Unfortunately, the sale of the property did not go through because of the contamination. The owner's property has been empty for two years and he is in financial difficulty because of the need to keep current on taxes and the significant outlay for environmental work. The commercial property itself is relatively modest and has limited land associated with it. DES has concluded that the former owner is not financially viable with respect to conducting required cleanup activities, based on his age, health and finances.

DES also determined that there are no legal or enforcement efforts in place or pending at this site. There are no parties that are subject to either:

- (a) a judgment in a court of law or an administrative order issued by an administrative body that would require that party to assess, investigate, or clean up the site; or
- (b) a filed enforcement action brought by federal or state authorities, or is party to a citizen suit, that would, if successful, require that party to assess, investigate, or clean up the site.

The site is of "relatively low risk", as compared with other petroleum sites because the area is serviced by city water and, as a result, there are no groundwater water supplies within the area likely to be impacted by contamination. There are also no known indoor air issues. No LUST Trust Fund monies are being utilized at this site. Additionally, there is no existing or planned response contemplated under the provisions of the federal OPA 90 requirements, or New Hampshire's Oil Discharge or Groundwater Protection Statutes.

DES Web Site: www.des.nh.gov

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

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This petroleum-contaminated site is not subject to any order issued under 9003(h) of the Solid Waste Disposal Act because this site was never a RCRA TSD facility and, as such, is not subject to RCRA Corrective Action requirements. Based on the above analysis, this site is eligible for Brownfields funding.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Lynn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gary S. Lynn, P.E.
Oil Remediation and Compliance Bureau
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cc: John Munn, Southern New Hampshire Regional Planning Commission
John Liptak, HWCB
Bettina Eames, LEA