



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

October 21, 2008

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

BROWNFIELDS ELIGIBILITY DETERMINATION

RE: Candia – Fred's Auto & Truck Repair, 71 Raymond Road
Goffstown – 17 Church/28 Depot Street Properties

Dear Ms. Lombard:

The New Hampshire Department of Environmental Services (DES) has completed the following evaluation of the eligibility of Fred's Auto & Truck Repair in Candia and properties at 17 Church/28 Depot Street in Goffstown 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 Loureiro Engineering Associates, DES has determined that there is no viable responsible party at any of these sites. 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 the Goffstown properties is Raymond Londeau. The owner of the Candia property is Frederick and Lynda Kelley. Based on EPA's 2008 Appendix 2 grant application eligibility determination guidance, "EPA will generally deem a defunct or insolvent corporation and an individual responsible party to be not viable." An individual owns all three properties discussed in this letter. DES has determined that there is no viable responsible party for these properties based on the limited resources for cleanup available to these individual property owners.

DES also determined that there are no legal or enforcement efforts in place or pending at these sites. 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.

DES Web Site: www.des.nh.gov

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

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These sites are of “relatively low risk”, as compared with other petroleum sites. EPA guidance suggests that “high risk” sites are sites that are being cleaned up with LUST trust fund money or sites subject to a response under the Oil Pollution Control Act (OPA). No LUST Trust Fund monies are being utilized at these sites. Additionally, there is no existing or planned response contemplated under the provisions of the federal OPA 90 requirements.

These petroleum-contaminated sites are not subject to any order issued under 9003(h) of the Solid Waste Disposal Act because the sites were never RCRA TSD facilities and, as such, are not subject to RCRA Corrective Action requirements. Based on the above analysis, these sites are 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