



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

November 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: Bedford – 20 Somerville Drive**

Dear Ms. Lombard:

The New Hampshire Department of Environmental Services (DES) has completed the following evaluation of the eligibility of 20 Somerville Drive in Bedford in accordance with the provisions of Section 101 (39)(d)(II)(bb) of CERCLA. This site is a potential petroleum contaminated site based on construction related activities at the property. To date, no release has been reported to or identified by DES.

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 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.

DES researched whether there is a responsible party at the 20 Somerville Drive property in Bedford. DES found no matches in our database of sites, no registered tanks, no RCRA generator identification number and no underground injection control activity. DES also determined that there are no legal or enforcement efforts in place or pending related to this property. There are also no parties involved with the property 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 a citizen suit, contribution action or other third party claim that would, if successful, require the assessment, investigation, or clean up of the site.

Based on this analysis, there is no responsible party at this site. Since no responsible party was identified, DES did not proceed with the responsible party viability evaluation. This determination will need to be reevaluated, if a responsible party is identified at a future date.

This site is 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 this site. Additionally, there is no existing or planned response contemplated under the provisions of the federal OPA 90 requirements.

DES Web Site: [www.des.nh.gov](http://www.des.nh.gov)

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

Telephone: (603) 271-3644 Fax: (603) 271-2181 TDD Access: Relay NH 1-800-735-2964

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This property is not subject to any order issued under 9003(h) of the Solid Waste Disposal Act because the property was never a RCRA TSD facility and, as such, is not subject to RCRA Corrective Action requirements. Based on the above analysis, the property is currently 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