



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

July 22, 2009

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

BROWNFIELDS ELIGIBILITY DETERMINATION

RE: Goffstown – Gentle Slopes Development, Shirley Hill Road

Dear Ms. Lombard:

The New Hampshire Department of Environmental Services (DES) has completed the following evaluation of the eligibility of the Gentle Slopes Development in Goffstown in accordance with the provisions of Section 101 (39)(d)(II)(bb) of CERCLA. This site is a potential petroleum contaminated site based on the nearby junkyard activities.

Based on information in our files and provided to DES by Loureiro Engineering Associates, DES has determined that there is no viable responsible party with respect to petroleum contamination 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 Gentle Slopes Development (GSD) property in Goffstown. DES found no matches in our database of sites, no registered tanks, no RCRA generator identification number and no underground injection control activity at this property. The property is primarily undeveloped and the only known environmental impact is from debris and activities related to an adjacent property owner. The only known petroleum related environmental issue is the detection of low levels of MtBE in groundwater related to an offsite release from the adjacent property's junkyard activities. The owner of GSD is exempted from liability from an offsite source of groundwater contamination per RSA 147-B:10-a III. Based on this analysis and available information on the financial resources of the adjacent property owner, DES determined that there is no viable responsible party. If onsite petroleum contamination is found at GSD that is unrelated to an offsite source during the debris investigation, this decision will have to be revisited at that point in time.

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.

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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.

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.
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cc: John Munn, Southern New Hampshire Regional Planning Commission
John Liptak, HWCB
Bettina Eames, LEA