



The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner



*Celebrating 25 Years of Protecting
New Hampshire's Environment*

December 13, 2012

Steven P. Anastos, P.G.
Auburn Road Performing Parties Group Representative
3225 Gallows Road, Room 8B1921
Fairfax, VA 22037

Subject: **Londonderry** – Auburn Road Landfill Superfund Site, 88 Auburn Road
Groundwater Management Permit, DES #198803007, Project #506

Application for Renewal of Groundwater Management Permit
prepared by Weston Solutions, Inc., dated October 12, 2012

Dear Mr. Anastos:

Please find enclosed Groundwater Management Permit Number **GWP-198803007-L-002**, approved by the Department of Environmental Services (Department). This permit is issued for a period of 5 years to monitor the effects of past discharges of arsenic and volatile organic constituents (VOCs) and replaces the previous permit that expired on October 29, 2012.

All monitoring summaries and all required sampling results shall be submitted to the Groundwater Management Permits Coordinator at the address below. All correspondence must contain a cover letter that clearly shows the Department identification number for the site (DES #198803007).

The Groundwater Management Zone (GMZ) for this permit includes properties that are not owned by the permit holder. Condition #9 requires the permit holder to provide notice of the permit by certified mail, within 15 days of permit issuance, to all owners of lots of record within the Groundwater Management Zone. Documentation of the notification, in the form of a copy of the notice with return receipt, shall be submitted to the Department within 45 days of permit issuance. The Department notes that documentation of notice of permit has already been provided for off-site lots Map 18, Lot 33 and Map 16, Lot 23, however, this process must also be followed for the lot that has been added to the GMZ (Map 18, Lot 34) via this permit renewal.

Please note that Condition #10 requires the permit holder to record "Notice" of the permit (not the permit), within 60 days of issuance, at the registry of deeds in the chain of title for each newly added lot within the Groundwater Management Zone. This Notice form shall be generated and recorded for the lot that has been added to the GMZ. An example Notice is enclosed for your use. A copy of the recorded Notice shall be submitted to the Department and the Town of Londonderry within 30 days of recordation.

Also, please note that Special Condition #12 remains unchanged from the previous permit. The Department appreciates the summary of efforts to gain access to the Simard Family Trust property provided with the permit renewal application and understands that efforts to resolve existing access issues are ongoing.

DES Web Site: www.des.nh.gov

PO Box 95 • 29 Hazen Drive • Concord, NH 03302-0095

Telephone: (603) 271-2908 • Fax: (603) 271-2181 • TDD Access: Relay NH 1-800-735-2964

Steven P. Anastos
DES #198803007
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Should you have any questions, please contact me at the Waste Management Division.

Sincerely,



Kenneth A. Richards, P.E., P.G.
Hazardous Waste Remediation Bureau
Tel: (603) 271-4060
Fax: (603) 271-2181
Email: kenneth.richards@des.nh.gov

Waste
Management
Division

Digitally signed by Waste Management
Division
DN: cn=Waste Management Division,
o=Environmental Services, ou=IWRB,
email=elise.hubbard@des.nh.gov, c=US
Date: 2012.12.13 11:42:01 -0500

Enclosure: Example Notice of Permit

cc: Sean P. Combs, Weston Solutions, Inc.
Town of Londonderry Health Officer



The
NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES
hereby issues
GROUNDWATER MANAGEMENT PERMIT NO. GWP-198803007-L-002
to the permittee
AUBURN ROAD PERFORMING PARTIES GROUP (ARPPG)
to monitor the past discharge of
Arsenic & Volatile Organic Constituents
at
AUBURN ROAD LANDFILL SUPERFUND SITE
(88 Auburn Road)
in LONDONDERRY, N.H.
via the groundwater monitoring system comprised of
Forty Six (46) monitoring wells, Five (5) surface water monitoring locations, and
Four (4) sediment monitoring locations
as depicted on the Site Plan entitled
Site Plan
dated September, 2012, prepared by Weston Solutions, Inc.

TO: AUBURN ROAD PERFORMING PARTIES GROUP (ARPPG)
C/O STEVEN P. ANASTOS, P.G.
3225 GALLOWS ROAD, 8B-1921
FAIRFAX, VA 22037

Date of Issuance: December 13, 2012
Date of Expiration: December 12, 2017

Pursuant to authority in N.H. RSA 485-C:6-a, the New Hampshire Department of Environmental Services (Department), hereby grants this permit to monitor past discharges to the groundwater at the above described location for five years subject to the following conditions:

(continued)

STANDARD MANAGEMENT PERMIT CONDITIONS

1. The permittee shall not violate Ambient Groundwater Quality Standards adopted by the Department (N.H. Admin. Rules Env-Or 600) in groundwater outside the boundaries of the Groundwater Management Zone, as shown on the referenced site plan.
2. The permittee shall not cause groundwater degradation that results in a violation of surface water quality standards (N.H. Admin. Rules Env-Ws 1700) in any surface water body.
3. The permittee shall allow any authorized staff of the Department, or its agent, to enter the property covered by this permit for the purpose of collecting information, examining records, collecting samples, or undertaking other action associated with this permit.
4. The permittee shall apply for the renewal of this permit at least 90 days prior to its expiration date.
5. This permit is transferable only upon written request to, and approval of, the Department. Compliance with the existing Permit shall be established prior to permit transfer. Transfer requests shall include the name and address of the person to whom the permit transfer is requested, signature of the current and future permittee, and a summary of all monitoring results to date.
6. The Department reserves the right, under N.H. Admin. Rules Env-Or 600, to require additional hydrogeologic studies and/or remedial measures if the Department receives information indicating the need for such work.
7. The permittee shall maintain a water quality monitoring program and submit monitoring results to the Department's Waste Management Division no later than 45 days after sampling. Samples shall be taken from on-site monitoring wells and surface water sampling points as shown and labeled on the referenced site plan and other sampling points listed on the following table in accordance with the schedule outlined herein:

Monitoring Locations	Sampling Frequency	Parameters
GZ-1-2R, GZ-1-3R, GZ-6-2R, GZ-6-3R, GZ-9-4R, MW-1A, MW-1B, MW-104B, MW-109B, MW-207A, MW-207B, MW-210A, MW-210B, MW-211B, MW-212A, MW-212B, MW-213, MW-302A, MW-302BR, MW-303B, NUS-1-2, PZ-218, C-1	April & October each year	Arsenic & Static Water Level Elevation
MW-101A, MW-101B, MW-106A, MW-106B, MW-108A, MW-108B, MW-109A, MW-204, NUS-2-2, NUS-9-1	October each year	Arsenic & Static Water Level Elevation
GZ-1-3R, NUS-1-2, NUS-2-2	October each year	NHDES Waste Management Division Full List of Analytes for Volatile Organics

(continued)

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Monitoring Locations	Sampling Frequency	Parameters
MW-102A, MW-303A, WPP-1, WPP-2, WPP-3, CB-1	April & October each year	NHDES Waste Management Division Full List of Analytes for Volatile Organics, Arsenic & Static Water Level Elevation
A-33, MW-102B, MW-301B, MW-304B, PZ-102, R-1, R-2	April & October each year	Static Water Level Elevation
<u>Surface Water Locations:</u> SW-3, SW-4, SW-5, SW-6, SW-9 (filtered & unfiltered)	April & October each year	Arsenic
<u>Sediment Sampling Points:</u> SD-2, SD-4, SD-5, SD-9	October each year	Arsenic

Sampling shall be performed in accordance with the documents listed in Env-Or 610.02 (e). Samples shall be analyzed by a laboratory certified by the U.S. Environmental Protection Agency or the New Hampshire Department of Environmental Services. All overburden groundwater samples collected for metal analyses (iron, manganese, and Drinking Water Metals) shall be analyzed for dissolved metals; and thus must be field filtered (with a 0.45-micron filter) and acidified after filtration in the field. Surface water samples and samples collected from bedrock or water supply wells shall be analyzed for total metals, and shall not be filtered. Surface water samples shall be collected and analyzed in accordance with 40 CFR 136. As referred to herein, the term “Drinking Water Metals” refers to arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver.

Summaries of water quality shall be submitted annually to the Department’s Waste Management Division, in the month of December, using a format acceptable to the Department. The Summary Report shall include the information listed in Env-Or 607.04 (a), as applicable.

The Annual Summary Report shall be prepared and stamped by a professional engineer or professional geologist licensed in the State of New Hampshire.

8. Issuance of this permit is based on the Groundwater Management Permit Application dated September 28, 2012 and the historical documents found in the Department file DES #198803007. The Department may require additional hydrogeologic studies and/or remedial measures if invalid or inaccurate data are submitted.

9. Within 15 days of the date of Department approval of this Groundwater Management Permit, the permittee shall provide notice of the permit by certified mail, return receipt requested, to all owners of each new lot of record within the Groundwater Management Zone. The permittee shall submit documentation of this notification to the Department within 45 days of permit issuance.

10. Within 60 days of the date of Department approval of this Groundwater Management Permit, the permit holder shall record notice of the permit in the registry of deeds in the chain of title for each new lot within the Groundwater Management Zone. **This recordation requires that the registry be provided with the name of current property owner and associated book and page numbers for the deed of each lot encumbered by this permit. Portions of State/Town/City roadways and associated right-of-way properties within the Groundwater Management Zone do not require recordation.** A copy of each recorded notice shall be submitted to the Department and to the governing body of each municipality in which the site or any lot within the GMZ is located within 30 days of recordation.
11. Within 30 days of discovery of a violation of an ambient groundwater quality standard at or beyond the Groundwater Management Zone boundary, the permittee shall notify the Department in writing. Within 60 days of discovery, the permittee shall submit recommendations to correct the violation. The Department shall approve the recommendations if the Department determines that they will correct the violation.

SPECIAL CONDITIONS FOR THIS PERMIT

12. Consistent with the terms of the 2000 consent decree, Part IX, ARPPG shall use its best efforts to obtain an enforceable access agreement for the Simard property, such efforts to include, without limitation, the payment of money and, to the extent necessary, the commencement and prosecution of litigation against the Simard Family Trust. If ARPPG has not secured an enforceable access agreement by March 1, 2013, ARPPG shall promptly notify the Department in writing, and shall include in this notification a summary of the steps that ARPPG has taken to comply with this requirement of the permit.
13. Recorded property within the Groundwater Management Zone shall include the lots as listed and described in the following table:

Tax Map/ Lot #	Property Address	Owner Name and Address	Deed Reference (Book/Page)
Map 16 Lot 23	88 Auburn Road Londonderry, NH 03053	Town of Londonderry 268B Mammoth Road Londonderry, NH 03053	Book 3524 Page 1485
Map 18 Lot 33	126 Auburn Road Londonderry, NH 03053	Simard Family Trust P.O. Box 85 Derry, NH 03038	Book 2772 Page 761
Map 18 Lot 34	115 Auburn Road Londonderry, NH 03053	Town of Londonderry 268B Mammoth Road Londonderry, NH 03053	Book 2946 Page 1947

14. All monitoring wells at the site shall be properly maintained and secured from unauthorized access or surface water infiltration.

15. The permittee shall update ownership information required by Env-Or 607.03(a)(20) for all properties within the Groundwater Management Zone prior to renewal of the permit or upon a recommendation for site closure.



Carl W. Baxter, P.E., Administrator
Hazardous Waste Remediation Bureau
Waste Management Division

Under RSA 21-0:14 and 21-0:9-V, any person aggrieved by any terms or conditions of this permit may appeal to the Waste Management Council in accordance with RSA 541-A and N.H. Admin. Rules, Env-WMC 200. Such appeal must be made to the Council within 30 days and must be addressed to the Chairman of the Waste Management Council, c/o Appeals Clerk, Department of Environmental Services Legal Unit, 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095.

Example

**NOTICE OF GROUNDWATER MANAGEMENT PERMIT
GWP-_____-A-001
TO BE RECORDED AGAINST:**

**[IDENTIFY OWNER OF PARCEL AND
BOOK AND PAGE OF DEED IN TO THAT PARTY]**

NOTICE IS HEREBY GIVEN THAT: The New Hampshire Department of Environmental Services (Department) has issued Groundwater Management Permit #GWP-_____-A-001 (“Permit”) to [Permittee]. Pursuant to Env-Or 607.09(a) this notice is recorded for each property located within the groundwater management zone identified in the Permit at the Registry of Deeds for the county in which the property is located.

The Permit establishes a Groundwater Management Zone (“GMZ”), an area within which groundwater use must be controlled and monitored due to the presence of groundwater contaminants that exceed the State’s Ambient Groundwater Quality Standards (“AGQS”). The Permit may include conditions to and restrictions upon the use of the properties within the GMZ, including restrictions on the use of groundwater.

The Permit was issued on [Date] and expires on [Date], unless renewed for subsequent five-year period(s). This Notice will remain in effect until such time as the AGQS are restored within the GMZ and the Department issues a Release of Recordation to the Permittee. The Permit is available for review at the New Hampshire Department of Environmental Services, 29 Hazen Drive, Concord, NH 03301 or can be viewed by searching under our OneStop Data Retrieval Site at http://www2.des.nh.gov/OneStop/ORCB_Query.aspx?Project+CCST .

The following properties are located within the GMZ:

<u>Property Owner/Property Address</u>	<u>Tax Map/Lot</u>	<u>Deed Reference Book/Page</u>
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/s/ [Permittee Name], Permittee
[Company Name]

Date