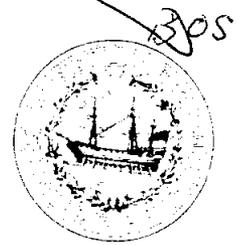




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

June 22, 2010

Gary Webster
Town Engineer
Town of Hudson
12 School Street
Hudson, NH 03051

RECEIVED

JUN 24 2010

CLEARANCE DETERMINATION-WITH ACTIVITY AND USE RESTRICTIONS

Subject: Hudson- 47 Ferry Street
DES Site #200409133, Project #13911, Activity #159194

As-Built Plans / June 11, 2010

Dear Mr Webster:

The New Hampshire Department of Environmental Services (DES) has reviewed the above referenced report and other information in our files regarding the subject site. This report, prepared on your behalf, transmits Clearance Documentation per New Hampshire Code of Administrative Rules Env-Sw 2100 *Management and Control of Asbestos Disposal Sites Not Operated After July 10, 1981*. These criteria are outlined below:

1. All excavated, removed, exposed or other disturbed asbestos is covered in accordance with Env-Sw 2104.03;
2. No asbestos-contaminated equipment, materials, clothing, or other supplies remain at the site; and,
3. It is safe to resume use of the site in a manner consistent with Env-Sw 2104.04.

DES has concluded that the conditions at this site meet the above criteria. As the owner you are responsible for continued compliance with the following rules:

- a. Control site access (Env-Sw 2104.05) and restrict property activities and uses (Env-Sw 2104.04) that will result in exposure of asbestos waste and a release of asbestos fibers to air or surface water.
- b. Continue to monitoring and maintain the cover over the asbestos waste, and document activities that disturb asbestos waste (Env-Sw 2104.06 & Env-Sw 2104.05).

DES Web Site: 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

- c. Provide written notice to tenants, contractors and other site users of the presence of asbestos waste (Env-Sw 2104.08).
- d. Obtain DES approval, as appropriate, for activities that will disturb asbestos waste. Please note that work that disturbs asbestos waste must be completed by a NH Asbestos Disposal Site licensed/certified person. Future disturbance of asbestos must be completed following Env-Sw 2100.

DES will remove this site from our active project list and close the regulatory site file. Please note that DES reserves the right, under New Hampshire Code of Administrative Rules Env-Sw 2100 to require additional investigations or remedial measures if further information indicating the need for such work becomes known.

If you should have any questions, please contact me immediately.

Sincerely,



Carl Woodbury, Supervisor VII
Spill Response and Complaint Investigation Section
NH DES
Tel: (603) 271-2891
Email: Carl.Woodbury@des.nh.gov

cc: William Oleksak, Town of Hudson

#012
HAGE HODES

Doc # 9012692 Mar 18, 2009 3:32 PM
Book 8066 Page 1216 Page 1 of 1
Register of Deeds, Hillsborough County
Carmela O'Connell

DO NOT WRITE IN THIS SPACE --- FOR REGISTRY USE ONLY

CHAIN OF TITLE NOTICE OF ASBESTOS WASTE

(Type all information, except required signatures)

Pursuant to the requirements of RSA 141-E:23, IV notice is hereby provided that asbestos-containing waste materials are disposed of on the property identified below.

The disposal site is subject to state and federal regulations, including but not limited to RSA 141-E and rules adopted pursuant thereto in Env-Sw2100, as amended. The requirements include but are not limited to: cover and access control requirements; restrictions regarding the excavation or other disturbance of the waste; other activity and use restrictions necessary to maintain the integrity of the cover; monitoring and maintenance requirements; and certain recordkeeping, reporting, notification, and disclosure requirements. For additional information, contact the:

New Hampshire Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095
(603) 271-3644

PROPERTY LOCATION:

Street Address: 47 Ferry Street

Town: Hudson County: None State: New Hampshire

Deed reference, by book and page: 7124 (BOOK) 0238 (PAGE)

CURRENT PROPERTY OWNER:

Name: Town of Hudson

Authorized Representative, if owner is a company/other entity: Board of Selectmen

Mailing Address: 12 School Street, Hudson, New Hampshire 03051

PROPERTY OWNER(S) SIGNATURE(S):

Signature: _____ Signature: Benjamin J. Nadeau

Print Name: Benjamin J. Nadeau, Chairman Print Name: _____
Board of Selectmen

Date: _____ Date: MARCH 9 2009



29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • www.des.nh.gov

ASB-11

2001

Asbestos Waste Disposal Sites in Nashua/Hudson, N.H.

What is asbestos?

Asbestos is a non-conducting, non-combustible, fibered mineral, which was used in this country to produce a variety of commercial and industrial products, beginning around 1880 and ending about 100 years later after health concerns became associated with the material.

What are the health concerns associated with asbestos?

The inhalation of asbestos fibers is known to cause respiratory disease and cancer in humans. Asbestosis, mesothelioma, and lung cancer are each associated with asbestos exposure. Those diseases are physically debilitating and typically lead to death. Generally speaking, the symptoms of asbestos-caused diseases do not appear until 10 to 35 years after exposure.

How was asbestos used in the Nashua/Hudson area of New Hampshire?

In Nashua, the Johns-Manville Corporation produced asbestos-containing building materials over a period of about 100 years. During that time, the company delivered its asbestos waste material, free of charge, to area property owners for use in filling low lying areas. As a result, many properties in Nashua and the nearby community of Hudson are now filled with asbestos waste. To date, over 250 asbestos disposal sites have been identified in Nashua and Hudson, and new sites are being periodically discovered. The sites include residential, commercial, industrial and public lands, both developed and undeveloped.

What does asbestos manufacturing waste look like?

Asbestos manufacturing waste from the Johns-Manville plant in Nashua typically exists in the following forms: pellets, spheres, whole sheets (4' x 8') and scraps/fragments of sheets resembling "cement board", rolled sheets, rolled paper, dewatered sludge, and waste from dust collection systems, referred to as "baghouse" waste. The waste comes in a variety of colors, including gray, white, black, green, and red. After being in the soil for many years, it has a tendency to blend with its surroundings and can be hard to distinguish from clean soil. This is most often the case with "baghouse" waste, which is a fine, dust-like material similar to soil particles.

Are all forms of asbestos waste considered a risk?

Yes. But the degree of risk will vary, depending on the potential for the material to release fibers. Asbestos material that can be crushed, pulverized or reduced to powder by hand pressure,

when dry, is referred to as *friable* asbestos. Asbestos material that does not crush or pulverize under hand pressure, when dry, is referred to as *non-friable* asbestos. Friable asbestos is of greatest concern, because it has the potential to release fibers to air and surrounding surfaces where it may result in a human exposure.

Is there friable asbestos material at the asbestos disposal sites in Nashua and Hudson?

Yes, asbestos disposal sites in New Hampshire contain both friable and non-friable asbestos materials. In addition, it is important to understand that non-friable asbestos material will often break down and become friable after it has remained outdoors and exposed to the elements for many years.

How can the risk of exposure be minimized at asbestos disposal sites?

Each site is unique and there is no "one size fits all" solution to stabilizing and maintaining sites. Generally speaking, asbestos can be safely and permanently disposed by burying it under enough clean soil to prevent it from resurfacing. In the Nashua/Hudson area, at least 2 feet of soil cover is recommended to prevent the material from resurfacing over a period of years due to frost action. Lesser depths can be considered when the cover materials are engineered to incorporate a geotextile barrier that will prevent the waste from resurfacing and reduce the risk of inadvertently digging into the material. The surface of the cover soils must also be protected to prevent erosion and withstand anticipated land use activities at the site. This can be accomplished, in part, by properly grading the surface to control runoff, the primary cause of erosion, and by planting shallow-rooted vegetation, such as grass. Depending on the land-use setting, asphalt or concrete may also be appropriate surface treatments. In all cases, land use activities at the site must be controlled so that the cover materials will maintain their integrity and the underlying asbestos waste will not be knowingly or unknowingly disturbed.

What is the Department of Environmental Services (DES) doing to help solve the problem?

The DES implements a program that is dedicated to assuring proper management of asbestos disposal sites. Program elements include: investigation/confirmation of newly reported sites; periodic inspection of known sites; technical assistance for developing/implementing emergency response and remedial action plans for sites that need to be covered; activities pertaining to long-term maintenance of sites; and coordination of activities with the U.S. Environmental Protection Agency (US-EPA).

The DES program relies on maintaining strong partnerships with local officials, property owners, and federal environmental officials. At the present time, DES is evaluating measures to further strengthen those partnerships and establish a clear framework within which to manage the problems at hand and assure long-term protection of the public health.

Are there regulations that apply to managing asbestos disposal sites?

Yes, there are many state and federal regulations that apply to managing asbestos disposal sites. The regulations include requirements for covering the sites; monitoring and maintaining the cover; recording notice in the property chain-of-title; notifying other parties, including tenants, contractors, and others who might have occasion to disturb the material; obtaining DES approval before excavating or otherwise disturbing the waste; using licensed/qualified persons only to perform the work; properly containing and labeling the waste before removing it from a site; and a range of other requirements for shipping, transportation, and off-site disposal.

Where can I obtain more information?

For additional information, please contact:

**New Hampshire Department of Environmental Services
Waste Management Division
29 Hazen Drive, P.O. Box 95, Concord, NH , 03301
telephone: 603-271-2925 FAX: 603-271-2456
TDD Access: Relay NH 1-800-735-2964**

Also refer to a document titled "*Guidance for Managing Asbestos Disposal Sites*", published by DES. It is available, free of charge, on the DES website at www.des.state.nh.us/asbestosguidance. Reference copies have also been provided to the public libraries in both Nashua and Hudson. In addition, copies can be purchased from the DES Public Information Center, by contacting them at the address shown above or by telephone at 603-271-2975. The cost of the publication is \$15.