



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Clark B. Freise, Assistant Commissioner

REGULAR MAIL

June 27, 2017

Edward Hayes
Wallis Road Properties, LLC
105 Bartlett Road
Portsmouth, NH 03801

REQUEST FOR INFORMATION

Subject Site: **Rye** – Former Rand Lumber Company, 511 Wallis Road
DES Site #198604301, SITEEVAL Project #34669

Notification of Potential Discharge, prepared by Town of Rye, Office of Selectmen, dated February 24, 2015 (Activity #216441)

Dear Mr. Hayes:

On February 24, 2015, the New Hampshire Department of Environmental Services (NHDES) received notification from the Town of Rye, Office of Selectmen stating that potential historical discharges of oil, as defined in New Hampshire Code of Administrative Rules Env-Or 600 Contaminated Site Management, may have occurred at the subject site.

This request is being sent to you as the property owner and developer. Based on our review of the existing information, summarized below, NHDES records indicate information is missing or additional clarification is needed to determine if applicable rules were complied with and provide guidance on additional corrective actions, if needed.

1. An *Environmental Transaction Screen* (transaction screen) was performed at the property by Exeter Environmental Associates (EEA) in 2001. Our records do not indicate that a copy of the transaction screen was provided to NHDES; however, the following findings were discussed in a June 2013 *Phase I Environmental Site Assessment* (Phase I ESA) prepared by GZA GeoEnvironmental, Inc. (GZA) and included in the above referenced letter:
 - a. EEA observed 37 drums of waste liquid improperly stored in the gravel pit at the east end of the property. Most of the drums were believed to contain waste motor oil and several were observed to be leaking with associated soil staining. According to GZA's Phase I ESA, the owner reportedly removed the drums and claimed that stained soil in the drum storage area was limited to residual surficial soil staining. Our records indicate a waste manifest dated May 23, 2002 was submitted to NHDES for offsite disposal of one metal drum of grease and oil debris (attached). Further explanation is necessary to establish whether the May 2002 manifest relates to one of the 37 drums observed by EEA, as well as the fate of the remaining drums.

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- b. Oil staining was observed beneath two waste oil drums located in the basement of the sawmill building. No documentation was provided for drum disposal.
 - c. A spill of unknown quantity of diesel fuel occurred in the main wood storage yard circa 1990 from a saddle tank of a truck. The spill was reportedly treated at the time of the release with sawdust. NHDES was not notified of this release nor was documentation provided for disposal of the petroleum impacted soil/debris; however, it is important to note that in accordance with Env-Or 604.06, if the release was less than 25 gallons and immediately cleaned-up and properly disposed of at a licensed facility, notification would not be required.
2. During the 2013 Phase I ESA referenced above, four plastic 55-gallon drums of apparent waste oil were situated on the eastern side of the oil shed building. Additionally, virgin and waste petroleum products and other materials in various sized containers were observed inside the oil shed. The owner reportedly had the drums and the contents of the oil shed removed, and when GZA returned two weeks later, the shed had been emptied and moved to allow access to the soil underneath. GZA reported "minor surficial oil staining around the footprint of the shed." Our records indicate a waste manifest dated April 15, 2013 was submitted to NHDES for offsite disposal of 1) one metal drum of flammable liquids, 2) one fiber drum of aerosols, 3) one fiber drum of sulfuric acid, 4) one fiber carton of waste paint related materials, 5) seven metal drums of waste oil, and 6) two fiber drums of waste oil (attached). Further explanation is necessary to establish the source of the waste material documented in the April 2013 manifest.
3. According to reports documented in the above-referenced notification document, three underground storage tanks (USTs) were historically in use at the site. Two of the USTs were used to store gasoline, and closure documentation was provided to NHDES for each of the former gasoline USTs; however, GZA's Phase I ESA indicates that a third UST (500 to 550 gallons in capacity) was reportedly used to store fuel oil and was located adjacent to the southeastern corner of the planer building.

In a December 18, 2014 letter to the Town of Rye, GZA speculated that the heating oil UST may have been removed during the 1970s or 1980s prior to the promulgation of regulations requiring proper closure documentation for removal of USTs. GZA also stated that extensive earthwork/excavation had occurred in the presumed location of the heating oil UST and they did not encounter evidence of a UST or visual observations of a historical release. Our records indicate that no documentation of these observations was provided to NHDES, nor were any soil analytical results provided to NHDES. Please note that if the heating oil UST was present after November 1990, the NHDES rules in effect at that time required registration of the UST and documentation of closure.

4. Please provide the following to NHDES no later than August 31, 2017:
- a. Clarification of the source of the waste material documented by the waste manifests noted above and whether they relate to the recognized environmental conditions identified in GZA's Phase I ESA or EEA's transaction screen;

- b. Any additional copies of waste manifests for removal of drums and other hazardous materials not already on file at NHDES;
- c. Any laboratory analytical data of soil sampling conducted in areas of petroleum staining including, but not limited to, former drum storage areas and former UST locations;
- d. Any photographic documentation or field notes with observations of subsurface conditions during redevelopment, if available; and
- e. Documentation, if available, related to the 1990s saddle tank release noted in EEA's transaction screen.

The above information is necessary to address data gaps and to aid in our understanding of site environmental conditions and compliance with NH Administrative Rules. NHDES will provide guidance on the need for further investigation or corrective actions after we have reviewed the requested information.

Please do not hesitate to contact me if you have any questions regarding this letter.

Sincerely,



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