



WAIVER APPROVAL

Issued by the NH Department of Environmental Services, Waste Management Division (Department) pursuant to RSA 149-M and Part Env-Sw 202 of the New Hampshire Solid Waste Rules (Rules)

I. IDENTIFICATION OF FACILITY/ACTIVITY:

Waiver Approval No.: DES-SW-WV-15-005

Applicant Name/Address: City of Nashua, Division of Public Works, 9 Riverside Street, Nashua, NH

Facility Name: Boiler House Foundation Asbestos Disposal Site (ADS)

Facility Location: Lot 28 on City of Nashua Tax Map 77 (owned by the City of Nashua)

Related Regulatory Activity: Construction, operation and closure of a new asbestos disposal area within the Broad Street Parkway South right-of-way (R.O.W.), in accordance with Env-Sw 2100, in order to relocate existing buried asbestos waste within the R.O.W., to facilitate the construction of a public travel way.

II. FILE REFERENCE/RECORD OF APPLICATION:

Date(s) Received: June 5, 2015

WMD Log #(s): 16553

III. SECTION OF RULES BEING WAIVED: The requirement in Env-Sw 302.02 to obtain a solid waste facility permit and all other rules in Env-Sw 100 through Env-Sw 2000 applicable to constructing, operating and closing asbestos waste landfills after July 10, 1981.

IV. TERMS AND CONDITIONS: See page 2.

V. EFFECTIVE DATE/DURATION OF WAIVER: Effective on date of signature below. It shall terminate should the property be conveyed to a new owner, except as provided in condition (2) attached.

VI. AUTHORIZATION: This approval grants to the applicant (identified in Section I above) a waiver to the requirements set forth in the rules cited in Section III above, as the rules relate to the facility or activity specified in Section I above, subject to the conditions specified in Section IV above. The waiver is valid for the period of time specified in Section V above and is granted on the basis of information supplied by the applicant. If that information is false, misleading or incomplete, this approval may be revoked or suspended.

BY EXERCISING ANY RIGHTS UNDER THIS AUTHORIZATION, THE APPLICANT HAS AGREED TO ALL TERMS AND CONDITIONS. Failure to comply with the terms and conditions could result in administrative, civil or criminal enforcement actions and penalties, and suspension or revocation of this approval or any permit to which it may apply. No liability is incurred by the State of New Hampshire by reason of any approval of this waiver or the facility or activity to which it relates.

No warranty/guarantee is intended or implied by reason of any advice given by the Department or its staff. This approval shall not eliminate the applicant's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district and local permits, ordinances, laws, approvals or conditions relating to the approved activity.


Michael J. Wimsatt, P.G., Director
Waste Management Division

June 22, 2015
Date



Section IV Continued: Terms and Conditions

(1) The City of Nashua is hereby authorized to construct, operate and close a new asbestos disposal facility referred to as the Boiler House Foundation Asbestos Disposal Site, as depicted on Attachment B, Sheet 1 of the application for waiver (see Section II on page 1 of this approval), without a permit issued pursuant to RSA 149-M and the NH Solid Waste Rules provided that the City of Nashua instead complies with the following:

(a) The disposal area is designed, constructed, operated, closed, monitored and maintained in accordance with the requirements in RSA 141-E; the NH Administrative Rules for *Management and Control of Asbestos Disposal Sites Not Operated after July 10, 1981*, Env-Sw 2100; the Work Plan approved May 29, 2013 with "Addendum No. 1 to the Project-Specific ADS Work Plan" (WMD Document Log #16554)..

(b) The Boiler House Foundation ADS shall receive only asbestos waste already disposed of within the Broad Street Parkway South R.O.W.

(2) The City of Nashua shall be responsible for the removing the waste and closing the disposal area if the City conveys the property to a new owner, unless the City and the new owner jointly notify the Department of the pending conveyance and request to have the waiver re-issued in the name of the new owner, in which case the new owner shall comply with all terms and conditions of the re-issued waiver.