The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

August 1, 2005

Mr. Joseph A. LaRose
Bishop Guertin High School
194 Lund Road
Nashua, New Hampshire 03060-4398

CERTIFIED MAIL (7099 3400 0018 1290 1875)
RETURN RECEIPT REQUESTED
LETTER OF DEFICIENCY
No. ARD 2005-012

RE: Bishop Guertin High School

Dear Mr. LaRose:

On March 3, 2005, personnel from the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), conducted an inspection for compliance with the Asbestos Hazard Emergency Response Act of 1986 ("AHERA"), 15 USC § 2641 *et seq.*, and the regulations promulgated pursuant to AHERA, 40 Code of Federal Regulations ("CFR") Part 763, Subpart E – *Asbestos Containing Materials in Schools*, at the Bishop Guertin High School, Nashua, NH (the "School").

During the inspection, DES personnel met with School officials, discussed the objectives of the inspection, and provided School officials with copies of the United States Environmental Protection Agency ("EPA") Form 7740-1 *Receipt for Samples and Documents* and EPA Form 7740-3 *Notice of Inspection.* During the inspection, DES personnel reviewed facility records and documentation, and provided information about AHERA.

As a result of the inspection and information gathered, this Letter of Deficiency ("LOD") is being sent to identify the following deficiencies:

1. Since 1995 the School has failed to conduct periodic surveillance in each building that it leases or owns that contains asbestos-containing building material ("ACBM") (or assumed) every 6 months, as required by 40 C.F.R. § 763.92(b)(1).

DES believes that these deficiencies can be resolved by the School taking the following action:

2. The School shall conduct periodic surveillance in each building that it leases or owns that contains ACBM (or assumed) as stipulated in 40 C.F.R. § 763.92(b)(1). Within thirty (30) days of issuance of this LOD, the School must submit a copy of the inspection report to DES.

Please address all information to Marjorie Yin, at the following address:

NHDES Air Resources Division
Compliance Bureau
P.O. Box 95
Concord, NH 03302-0095

Please be advised that DES will continue to monitor the School's compliance status and that this letter does not provide relief against any other existing or future deficiencies. A copy of this LOD and any documentation of the corrective action received from the School will be provided to the EPA. Compliance with this LOD does not preclude the EPA from pursuing any other remedies or sanctions authorized by law. Such sanctions may include administrative, civil, and/or criminal action, which may be available by reason of the failure of the School, its officers, employees, or agents to comply with AHERA or the regulations promulgated under AHERA.

If you believe that DES has cited these deficiencies in error or if you have any questions or require additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Compliance Bureau, Air Resources Division, at (603) 271-1373 or Marjorie Yin, Compliance Bureau, Air Resources Division, at (603) 271-4555.

Sincerely,

COPY

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

cc: W. Toland, EPA Region 1
G. Hamel, Legal Unit Administrator
Ray Clement, Diocese of Manchester
AFS # 3300085555