



The State of New Hampshire  
**Department of Environmental Services**



**Thomas S. Burack, Commissioner**

March 28, 2016

**BY CERTIFIED MAIL # 7002 3150 0004 7243 3940**

**BY EMAIL AT: [INFO@GOLDENO.COM](mailto:INFO@GOLDENO.COM)**

Brent M. Godlewski, Manager  
Brent and Brenda's Properties, LLC  
148 Main Street, PO Box 444  
Wilton, NH 03086

**NOTICE OF  
INTENT TO RED TAG  
IRT #16-026**

**LETTER OF DEFICIENCY  
WMD LOD #16-035**

**Subject Site/Facility:** Wilton – Golden Opportunities, 148 Main Street  
DES Site #199302018, UST Facility #0111761

**Reference:** Intent to Red Tag IRT #16-026  
Letter of Deficiency WMD LOD #16-035

Dear Mr. Godlewski:

**This letter contains important information that affects the continued operation of the subject site/facility. Specifically:**

**DES will red-tag the non-compliant UST system(s) if deficiencies #1, #2 and #3 as described below, are not corrected within 10 days of the date of this letter; and**

**Because the facility is not in compliance with RSA 146-C, you currently are not eligible for reimbursement of cleanup costs incurred should a spill or release occur at your facility.**

DES conducts compliance inspections of underground storage tank (UST) facilities to determine the facility's compliance with N.H. RSA 146-C, Underground Storage Facilities, and N.H. Code Admin. Rules Env-Or 400, Underground Storage Tank Facilities (UST Rules). On June 10, 2014, DES staff conducted a compliance inspection of the subject UST facility at the subject site (June Inspection). By inspection report dated June 10, 2014, DES provided you with a list of the deficiencies that were discovered, and informed you that the deficiencies should be corrected within 30 days and verification should be submitted to DES within 45 days.

DES has not received documentation addressing all of the deficiencies identified in the inspection report. Furthermore, a file review indicates that certain periodic testing and reporting requirements have not been accomplished. Therefore, pursuant to RSA 146-C:15, DES hereby notifies you of its **intent to red-tag** the non-compliant UST systems if **deficiencies #1, #2 and #3** as listed below are not corrected **within 10 days** of the date of this letter. This letter also serves as a Letter of Deficiency regarding those deficiencies and deficiencies #4 through #6, as listed beginning on page 2.

RSA 146-C:14, Delivery Prohibition, prohibits any person from delivering or causing the delivery of oil to a non-compliant UST that has been red-tagged, and prohibits the owner or operator of a facility from depositing or allowing the deposit of oil into a UST that has a red tag affixed to the tank or facility's fill pipe.

The deficiencies for all tanks are listed below.

**Deficiency #1: Failure to conduct three-year tightness testing for piping.**

During the June Inspection, the DES inspector determined that the three-year tightness test for suction piping associated with tank #6B was not conducted. Env-Or 405.11(c)(1) requires performance of a line tightness test in accordance with Env-Or 406.11 through Env-Or 406.14 not less than once every three years. To correct this deficiency, conduct a three-year tightness test or close this piping system.

**Deficiency #2: Failure to submit three-year tightness test results for piping.**

During the June Inspection, the DES inspector determined that the three-year tightness test for suction piping associated with tank #6B was not submitted. Env-Or 405.11(g)(3) requires tightness test results for piping be submitted to DES within 30 days of the test. To correct this deficiency, submit tightness test results for piping to DES or close this piping system.

**Deficiency #3: Failure to investigate the cause of the leak monitoring failure.**

Based on a subsequent file review of DES records, DES has determined that failed leak monitoring test results for tank #6B were submitted to DES on August 19, 2015; the leak monitoring test was conducted on August 12, 2015. Env-Or 406.14(d) requires the owner of a UST system to report any failure to DES within 24 hours of receiving notice of the failure. Env-Or 406.14(e) requires the UST system owner to investigate the cause of the failure and determine if the system is leaking within seven days of the initial test failure; or temporarily close the system within seven days of the initial failure and permanently close the system in accordance with Env-Or 408.06 through Env-Or 408.10 within 30 days of the original test failure. To correct this deficiency, investigate the cause of the failure, determine if the system is leaking, repair the system, or temporarily close this system.

**As noted above, DES will red-tag the non-compliant UST system(s) if deficiencies #1, #2 and #3 are not corrected within 10 days of the date of this letter.**

In addition to the deficiencies explained above, which form a basis to red-tag the facility, the following deficiencies remain outstanding:

**Deficiency #4: Failure to post operator response guidelines.**

During the June Inspection, the DES inspector determined that the operator response guidelines were not posted. RSA 146-C:17, III of the UST statute requires an UST operator response guidelines be posted at the facility. Please post the operator response guidelines and submit in writing that the guidelines have been posted.

**Deficiency #5: Failure to post listing of class C operators.**

During the June Inspection, the DES inspector determined that a listing of Class C operator(s) was not posted. RSA 146-C:17, IV of the UST statute requires a listing of class C operators be posted at the facility. Please post the listing of class C operators assigned to the facility and submit in writing that the listing has been posted.

Deficiency #6: Failure to post UST certificate.

During the June Inspection, the DES inspector determined that an UST certificate was not posted. Env-Or 405.01(g) of the UST Rules requires that a UST certificate be permanently affixed on the facility premises and visible to a DES inspector. Please post the UST certificate on the facility premises and submit in writing that the certificate has been posted.

DES believes you can correct deficiencies #4, #5 and #6 as noted in this letter within **30 days**.

The Commissioner of DES is authorized by RSA 146-C:10-a to impose administrative fines up to \$2,000 per offense for any violation of RSA 146-C or Env-Or 400. DES also has authority to issue an administrative order to require you to correct the deficiencies and to refer the case to the NH Department of Justice for civil or criminal prosecution. In addition, because the subject facility is in violation of RSA 146-C, **you currently are not eligible for reimbursement of cleanup costs incurred should a spill or release occur at your facility.**

Please contact the undersigned in the Waste Management Division of DES as soon as the above deficiencies are corrected, or if you already have corrected them. Please also contact the undersigned if you have any questions regarding this letter.

Sincerely,



Michael W. Juranty, P.E., Supervisor  
Oil Compliance Section  
Tel No. (603) 271-6058  
Fax No. (603) 271-2181  
e-mail: [Michael.Juranty@des.nh.gov](mailto:Michael.Juranty@des.nh.gov)

Attachments: June 10, 2014 UST Facility Inspection Report  
Tightness Test Form  
RSA 146-C:14, 15, & 16: Delivery Prohibition

cc: DES Legal Unit

ec: Wilton Health Officer  
DES IRT List



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

6/10/2014

BRENT M GODLEWSKI  
BRENT AND BRENDAS PROPERTIES LLC  
PO BOX 444  
WILTON, NH 03086-0444

**Subject Site: WILTON, GOLDEN OPPORTUNITIES, 148 MAIN ST**  
DES Site # 199302018, UST Facility # 0111761

**Reference:** Underground Storage Tank Facility Inspection Report

On June 10, 2014 the New Hampshire Department of Environmental Services, Waste Management Division (DES) conducted an inspection of the underground storage tank (UST) system(s) at the subject site. The inspection was conducted to determine the level of compliance with key elements of the New Hampshire Code of Administrative Rules Env-Or 400 Underground Storage Facilities (UST Rules) and Env-Or 500, Recovery of Gasoline Vapors. These rules were established for the purpose of reducing the number of product releases to the environment from UST systems and to establish a leak detection system which would alert a facility owner or operator before significant environmental damage and economic loss occurs. The inspection conducted at this facility is part of the DES release prevention effort.

**Deficiencies noted during this inspection warrant your facility to be considered in substantial non-compliance with applicable rules. This means they pose a threat of a release to the environment and may result in a release going undetected. The following deficiency(ies) requires your immediate attention:**

**GENERAL**

Env-Or 405.01(g) requires that a UST certificate be permanently affixed and visible to the DES inspector at the facility premises and RSA 146-C requires specific UST operator training postings and reporting, and requires significant operational compliance with the release prevention and release detection measures of the statute and Env-Or 400.

The DES inspector could not document that a certificate was posted.

***Please post the UST certificate on the facility premises and submit in writing that the certificate has been posted.***

Env-Or 405.01(g) requires that a UST certificate be permanently affixed and visible to the DES inspector at the facility premises and RSA 146-C requires specific UST operator training postings and reporting, and requires significant operational compliance with the release prevention and release detection measures of the statute and Env-Or 400.

The DES inspector could not document that a listing of Class C operator(s) meeting the requirements of RSA 146-C:17,IV was posted.

***Please post the listing of Class C operators assigned to the facility pursuant to the requirements of RSA 146-C:17,IV and notify the DES in writing when complete.***

DES Web Site: [www.des.nh.gov](http://www.des.nh.gov)

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3899

Fax: (603) 271-2181

TDD Access: Relay NH 1-800-735-2964

Env-Or 405.01(g) requires that a UST certificate be permanently affixed and visible to the DES inspector at the facility premises and RSA 146-C requires specific UST operator training postings and reporting, and requires significant operational compliance with the release prevention and release detection measures of the statute and Env-Or 400.

The DES inspector could not document that Facility Response Guidelines meeting the requirements of RSA 146-C:17,III was posted.

***Please post the Facility Operator Response Guidelines pursuant to the requirements of RSA 146-C:17,III and notify DES in writing when complete.***

Env-Or 405.01(g) requires that a UST certificate be permanently affixed and visible to the DES inspector at the facility premises and RSA 146-C requires specific UST operator training postings and reporting, and requires significant operational compliance with the release prevention and release detection measures of the statute and Env-Or 400.

The DES inspector could not document that a Class A operator Statement of Training meeting the requirements of RSA 146-C:17,II was submitted to DES.

***Please provide a Statement of Training listing the Class A operator for the facility pursuant to the requirements of RSA 146-C:17,II to DES.***

Env-Or 405.01(g) requires that a UST certificate be permanently affixed and visible to the DES inspector at the facility premises and RSA 146-C requires specific UST operator training postings and reporting, and requires significant operational compliance with the release prevention and release detection measures of the statute and Env-Or 400.

The DES inspector could not document that a Class B operator Statement of Training meeting the requirements of RSA 146-C:17,II was submitted to DES.

***Please provide a Statement of Training listing the Class B operator for the facility pursuant to the requirements of RSA 146-C:17,II to DES.***

**TANK #6b (Containing #2 HEATING OIL with Capacity of 2000 gallons)**

Env-Or 405.11 and 406.12 requires owners of pressurized piping without secondary containment and leak monitoring to conduct tightness testing. Pipe pressure tightness tests shall have a detection limit equivalent to 0.1 gallon per hour at 1.5 times operating pressure.

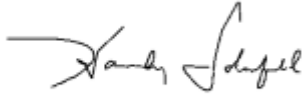
The DES inspector has determined that the 3 year tightness testing was not conducted or submitted.

***Please provide tightness test documentation to DES or close this piping system.***

The above noted **deficiencies must be corrected within 30 days** of the date of this inspection. To verify that the proper corrective measures were taken, documentation, in the form of a report from the certified technician that effected the repair, testing results, invoices, inventory records, photographs, etc., indicating the date and description of the corrective measures taken must be **submitted to DES within 45 days** of the date of this inspection. Please be advised that failure to correct the deficiencies in a proper and timely manner will result in DES proceeding under the DES Compliance Assurance Response Policy to determine an appropriate enforcement response. Please note that New Hampshire RSA 125-C and 146-C authorize permit revocation, administrative fines not to exceed \$2,000 per violation, administrative orders, delivery prohibition, injunctive relief, and civil penalties not to exceed \$10,000 per violation per day of continuing violation, and \$25,000 for each continued day of a repeat violation.

Your signature below acknowledges that you were briefed by DES staff concerning the noted deficiencies. Should you have any questions concerning the content of this letter, please contact me in the Waste Management Division of DES at (603) 271-3899. DES appreciates your willingness to comply with the UST program in an effort to preserve New Hampshire's environment.

Sincerely,



6/10/2014

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HARDING SCHOFIELD, Inspector

Date



6/10/2014

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BRENT M GODLEWSKI, Facility Manager

Date