



The State of New Hampshire
Department of Environmental Services



Thomas S. Burack, Commissioner

September 21, 2016

BY CERTIFIED MAIL #7015 3010 0000 1292 3488

**LETTER OF DEFICIENCY
WMD LOD #16-177**

Robert St. Germain, Vice President
L & B Holdings, LLC
PO Box 430
Sanbornville, NH 03872

Subject Site/Facility: Wakefield – Seven Lakes Provisions, 1260 Province Lake Road
DES Site #199608010, UST Facility #0113050

Reference: Failure to conduct periodic UST testing and reporting requirements

Dear Mr. St. Germain:

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

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 or be discovered at your facility.

The New Hampshire Department of Environmental Services (DES) conducted a file review of the existing underground storage tank (UST) facility at the subject site. Our review indicates that the deficiencies identified below have not been complied with to date. DES hereby issues Letter of Deficiency WMD LOD #16-177.

The current deficiencies and actions needed are as follows:

Deficiency #1: Failure to test leak monitoring system.

Based on a file review of DES records, the annual leak monitoring for tanks #3A and #3B have not been tested since April 13, 2015. Env-Or 406.20 requires owners to test all leak monitoring equipment annually for proper operation. To correct this deficiency, conduct an annual leak monitoring test.

Deficiency #2: Failure to submit leak monitoring system report.

Based on a file review of DES records, the annual leak monitoring test report for tanks #3A and #3B have not been submitted since April 14, 2015. Env-Or 406.20 requires owners to submit the leak monitoring test to DES no later than 30 days after the test was performed. To correct this deficiency, submit an annual leak monitoring test.

Deficiency #3: Failure to recertify class A and B operator.

During the file review of DES records, the current class A and B operator at the subject site is past due for Operator Training recertification. RSA 146-C:18 requires class A and B operator training at least biennially after their initial training. Robert St. Germain is currently listed as the class A and B operator with a certification expiration date of July 16, 2016. To correct this deficiency, please have at least one employee that has primary responsibility for operating and maintaining the Facility to attend UST Operator Training or submit a new statement of training (enclosed) designating new certified class A and B operators for the subject site. Please visit the

UST Operator Training website at <http://des.nh.gov/organization/divisions/waste/orcb/ocs/ustp/operator-training/index.htm> to view a list of upcoming classes offered by DES and other approved class A and B training programs.

DES believes you can correct deficiencies #1, #2 and #3 as noted in this letter within **30 days**.

RSA 146-C authorizes DES to issue an administrative order requiring the deficiencies be corrected, impose administrative fines up to \$2,000 per violation, and refer the matter to the NH Department of Justice for the imposition of civil penalties 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 or be discovered 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

Attachments: Annual Leak Monitoring Test Form
Statement of Training

cc: DES Legal Unit

ec: Linda Lee St. Germain, Member (lindastg@yahoo.com)
Wakefield Health Officer
Sarah Yuhas Kirn, P.G., Administrator, ORCB
Matt Jones, Compliance & Enforcement Subsection Chief, ORCB
Laura Weit-Marcum, Enforcement Coordinator, ORCB