



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Clark B. Freise, Acting Commissioner

7/14/2017

ROBERT L DEFELICE
RLD REALTY LLC
PO BOX 477
N SUTTON, NH 03260-0477

Subject Site: SUTTON, VERNONDALE STORE, 1526 RTE 114
DES Site # 199708016, UST Facility # 0110819

Reference: Underground Storage Tank Facility Inspection Report

On July 14, 2017 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 404.05-07 requires a permit to operate and that the permit is permanently affixed on the facility premises and visible to a DES inspector.

The field inspection revealed that the permit is not posted. If you are unable to locate your permit, a replacement permit can be submitted to you upon request.

Please post the permit on the facility premises and submit in writing that the permit 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 certificate was posted.

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

RSA 146-C:17-21 requires that all regulated facilities in New Hampshire have designated Class A, B and C operators who have been trained and certified in accordance with an approved training program.

DES Web Site: 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

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.

RSA 146-C:17-21 requires that all regulated facilities in New Hampshire have designated Class A, B and C operators who have been trained and certified in accordance with an approved training program. 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.

RSA 146-C:17-21 requires that all regulated facilities in New Hampshire have designated Class A, B and C operators who have been trained and certified in accordance with an approved training program. 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.

TANK #5A (Containing GASOLINE with Capacity of 7000 gallons)

Env-Or 405.08 requires continuous leak monitoring of double wall tank systems and Env-Or 406.20 requires annual leak monitoring system testing for proper operation.

The light(s) were out on the leak monitor console.

The above issue was resolved during the on-site inspection. No additional documentation is needed for this specific issue.

Env-Or 406.08 requires leak monitoring equipment and devices to be maintained in good working order to continuously perform their original design function and Env-Or 406.20 requires annual testing proper operation.

The DES inspector has determined that the annual monitor test documentation was not available for the tank leak monitoring equipment and devices.

Please provide release detection test results records or close this system.

Env-Or 406.20 requires annual leak monitoring system testing and reporting.

The annual test documentation was not available for the piping leak monitoring equipment and devices.

Please provide leak monitoring test results.

Env-Or 406.20 requires annual leak monitoring system testing and reporting.

The leak monitoring equipment was not tested annually for proper operation.

Please provide leak monitoring test results.

TANK #5B (Containing GASOLINE with Capacity of 3000 gallons)

Env-Or 405.08 requires continuous leak monitoring of double wall tank systems and Env-Or 406.20 requires annual leak monitoring system testing for proper operation.

The light(s) were out on the leak monitor console.

The above issue was resolved during the on-site inspection. No additional documentation is needed for this specific issue.

Env-Or 406.08 requires leak monitoring equipment and devices to be maintained in good working order to continuously perform their original design function and Env-Or 406.20 requires annual testing proper operation.

The DES inspector has determined that the annual monitor test documentation was not available for the tank leak monitoring equipment and devices.

Please provide release detection test results records or close this system.

Env-Or 406.20 requires annual leak monitoring system testing and reporting.

The annual test documentation was not available for the piping leak monitoring equipment and devices.

Please provide leak monitoring test results.

Env-Or 406.20 requires annual leak monitoring system testing and reporting.

The leak monitoring equipment was not tested annually for proper operation.

Please provide leak monitoring test results.

TANK #5C (Containing GASOLINE with Capacity of 2000 gallons)

Env-Or 405.08 requires continuous leak monitoring of double wall tank systems and Env-Or 406.20 requires annual leak monitoring system testing for proper operation.

The light(s) were out on the leak monitor console.

The above issue was resolved during the on-site inspection. No additional documentation is needed for this specific issue.

Env-Or 406.08 requires leak monitoring equipment and devices to be maintained in good working order to continuously perform their original design function and Env-Or 406.20 requires annual testing proper operation.

The DES inspector has determined that the annual monitor test documentation was not available for the tank leak monitoring equipment and devices.

Please provide release detection test results records or close this system.

Env-Or 406.20 requires annual leak monitoring system testing and reporting.

The annual test documentation was not available for the piping leak monitoring equipment and devices.

Please provide leak monitoring test results.

Env-Or 406.20 requires annual leak monitoring system testing and reporting.

The leak monitoring equipment was not tested annually for proper operation.

Please provide leak monitoring test results.

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,



7/14/2017

STEVE SCOTTON, Inspector

Date



7/14/2017

ROBERT L DEFELICE, Facility Manager

Date

Important Dates

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	5A, 5B, 5C	Past Due	Annual
LLD Function Check	N/A	N/A	Annual
Tank Corrosion Protection Test	N/A	N/A	Every 3 years
Piping Corrosion Protection Test	N/A	N/A	Every 3 years
Fittings Corrosion Protection Test	N/A	N/A	Every 3 years
Spill Bucket Tightness Testing	5A, 5B, 5C	12/22/2017	Every 3 years
Overfill Testing	5A, 5B	7/14/2020	Every 3 years
Overfill Testing	5C	Past Due	Every 3 years
Primary Containment System Tightness Test	5A, 5B, 5C	12/22/2017	Every 3 years
Operator Monthly Checklist			Monthly
ROBERT DEFELICE - A Operator Training		Past Due	Every 2 years
ROBERT DEFELICE - B Operator Training		Past Due	Every 2 years