



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



**Robert R. Scott, Commissioner**

12/15/2017

BRIAN THIBEAULT  
KINGSBURY ACQUISITION LLC  
300 GAY ST  
MANCHESTER, NH 03103-

**Subject Site: KEENE, KINGSBURY ACQUISITION LLC, 80 LAUREL ST**  
DES Site # 199102028, UST Facility # 0110849

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

On December 15, 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:19 requires that monthly visual inspections be conducted by or under the direction of the Class A or B operator at all underground storage tank facilities.

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

The DES inspector has determined that monthly inspections have not been consistently or comprehensively conducted pursuant to statutory requirement.

***Please conduct monthly visual inspections pursuant to the requirements of RSA 146-C:19 and provide DES with a copy of the next inspection report.***

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 has determined that the facility is not in significant operational compliance with release prevention and release detection requirements, other requirements of RSA 146-C, or the implementing rules.

***The current Class B Operator shall be retrained and recertified in accordance with RSA 146-C:21 or a replacement Class B Operator shall be designated, and the owner shall report to DES in accordance the requirements of RSA 146-C:17,V.***

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 has determined that the facility is not in significant operational compliance with release prevention and release detection requirements, other requirements of RSA 146-C, or the implementing rules.

***The current Class A Operator shall be retrained and recertified in accordance with RSA 146-C:21 or a replacement Class A Operator shall be designated, and the owner shall report to DES in accordance the requirements of RSA 146-C:17,V.***

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 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 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.***

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 #6 (Containing #2 HEATING OIL with Capacity of 12000 gallons)**

Env-Or 503.01 requires that the owner or operator of a gasoline storage tank with a capacity equal to or greater than 250 gallons shall equip the tank with a submerged fill tube, install the submerged fill tube with a clearance of 4 to 6 inches between the bottom of the tank and the highest opening of the submerged fill tube and utilize a submerged fill tube to fill the tank.

The DES inspector could not document that the highest exit point of the drop tube is within 4 to 6 inches from the bottom of the tank.

***Please provide drop tube replacement records for this tank system.***

Env-Or 406.17 requires corrosion protection systems be tested within six (6) months of installation and every three (3) years thereafter. Also, monitors for impressed current systems shall be inspected every 60 days to ensure equipment is running properly.

The DES inspector has determined that the tank corrosion protection system test report was not submitted.

***Please provide a corrosion protection system test report to DES or permanently close the UST system.***

Env-Or 406.17 requires corrosion protection systems be tested within six (6) months of installation and every three (3) years thereafter. Also, monitors for impressed current systems shall be inspected every 60 days to ensure equipment is running properly.

The tank corrosion protection system test report did not contain all the information required by DES.

***Please provide a corrosion protection system test report containing all the information required by Env-Or 406.17.***

Env-Or 405.06 requires overfill protection devices be installed and maintained in good working order on all UST systems.

Could not verify that the overfill protection device was installed at the required 90% alert or 95% shut off level.

***Please provide overfill protection installation (including measurements and pictures) at the 90% alert and 95% shut off level.***

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 leak monitor was not tested annually.

***Please provide monitor annual test results.***

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 DES inspector could not verify that the leak monitor for the tank system listed was continuously performing. Any malfunction must be repaired within 15 working days or the affected systems shall be temporary closed (all product removed to less than 1-inch) until satisfactory repairs are made.

***Please provide monitor replacement or maintenance results, and/or indication that the system is temporarily closed.***

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 DES inspector has determined that the visual/audible alarm was not working or working properly on the leak monitor console.

***Please provide monitor replacement or maintenance results.***

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 405.09 and 406.08 require leak monitoring for piping be properly installed and continuously operate. The low point sump and leak monitoring system must be maintained pursuant to the requirements of Env-Or 406.08. Additionally, Env-Or 407.05(d) and Saf-C 6000 requires that UST system components be installed in accordance with fire code requirements.

The leak monitor sensor for piping was not accessible.

***The leak monitor sensor for piping was not accessible. Please access sump and verify sensor operation and location on bottom or notify DES that tank system is temporarily closed.***

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 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 annual tightness testing was not conducted or submitted.

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

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,



12/15/2017

STEVE SCOTTON, Inspector

Date

12/15/2017

BRIAN THIBEAULT, Facility Manager

Date

**Important Dates**

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	6	Past Due	Annual
LLD Function Check	N/A	N/A	Annual
Tank Corrosion Protection Test	6	Past Due	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	6	12/22/2017	Every 3 years
Overfill Testing	6	12/22/2017	Every 3 years
Primary Containment System Tightness Test	N/A	N/A	Every 3 years
Operator Monthly Checklist			Monthly
LEE GRAY - A Operator Training		Past Due	Every 2 years
LEE GRAY - B Operator Training		Past Due	Every 2 years