



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Robert R. Scott, Commissioner

EMAIL ONLY

May 21, 2018

DICKS GENERAL STORE
C/o DOUG COLBY
P O BOX 199
DANBURY NH 03230

Subject: Danbury, Dick's General Store, 717 NH Route 4
NHDES Site No. 199607052, UST Facility ID #0112726

UST Pipe Construction Plan prepared by, Antonia Design LLC date December 23, 2016 and last revised May 21, 2018.

Dear Mr. Colby:

The New Hampshire Department of Environmental Services, Waste Management Division (NHDES) has completed its review of the subject plan forwarded to us by your engineer for the existing underground storage tank #3 proposed piping system upgrade. NHDES conditionally approves the revised application dated April 30, 2017 and plan sheets 1 and 2 of 2 last revised dated May 21, 2018 for construction in accordance with the requirements of Env-Or 407.04 of the New Hampshire Code of Administrative Rules, Env-Or 400, Underground Storage Tank Facilities (UST Rules). **The approval is subject to the conditions listed below:**

- A. **THE FACILITY OWNER IS RESPONSIBLE** FOR PROPER INSTALLATION OF THE NEW OR SUBSTANTIALLY MODIFIED UST SYSTEM. ENSURE THAT THE CERTIFIED TANK INSTALLER RECEIVES A COPY OF THIS DOCUMENT **AND A COPY OF THE NHDES APPROVED PLANS AS NOTED ABOVE REFERENCED BY PAGE NUMBERS AND DATES.**
- B. **Closure and site assessment requirements shall be performed in accordance with Env-Or 408.04 through Env-Or 408.10 for tanks, piping replacements (including placed in existing ducts) and piping removals.** Any indication of contamination requires immediate notification to NHDES pursuant to the requirements of Env-Or 604.06. This construction approval in no way alleviates the owner's responsibility to perform adequate contamination cleanup acceptable to NHDES, prior to installation of the new system. **A notification form shall be submitted to NHDES 30 days prior to closure of the existing system and a closure report shall be submitted to NHDES within 30 days of the site assessment required for both tank and piping closures.** Closure shall be supervised by an ICC certified tank remover (certification in category U2).
- C. The approval is valid for one year from the date of issuance, per Env-Or 407.04(f). If construction pursuant to the approval has not commenced within one year, the approval shall be void, per Env-Or 407.04(g). If construction has commenced but is not completed within one year, the owner shall notify NHDES and may request a one-year extension if meeting the conditions of Env-Or 407.04(h)(1) and (h)(2).

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- D. An owner shall not cause or allow any construction or other activity that is not in accordance with the approved plans and all terms and conditions of NHDES's approval, per Env-Or 407.04(e). The construction of the system shall strictly comply with the approved plans and specifications. No construction changes will be allowed without prior approval from a New Hampshire licensed professional engineer (NH P.E.) and NHDES.
- E. Any person installing a UST or UST system component shall be certified by the International Code Council in the UST system/retrofitting (certification in category U1) and the certified installer shall also be a qualified installer by the manufacturer of the equipment being installed for every component of the system and have an understanding of federal UST regulations and industry codes and practice, per Env-Or 407.05(a) and (b). Installation shall comply with applicable standards and fire codes, per Env-Or 407.05(c) and (d).
- F. The certified tank installer shall perform applicable tightness testing after installation and prior to backfill to determine tightness of the primary piping, secondary containment piping, vent piping, and all spill containment equipment in accordance with Env-Or 406.11 through Env-Or 406.14, per Env-Or 407.08(a) and (b). The certified tank installer shall certify the results of all tightness performed and provide the certified results to NHDES and the owner at the time of backfill inspection of the system, per Env-Or 407.08(c).
- G. The owner shall notify NHDES of the completion of installation for a new or substantially modified system at least 5 NHDES business days prior to backfilling the tank top and/or piping, to arrange for an inspection, in accordance with 407.07(a). The new system shall not be backfilled or placed into service until NHDES has performed an inspection, per Env-Or 407.07(d).
- H. At least 8 NHDES working hours prior to an inspection by NHDES, the owner shall submit to NHDES a letter prepared and stamped by a New Hampshire licensed professional engineer (NH P.E.), stating that the installed UST system has been inspected by a NH P.E. to verify that the system was constructed in accordance with NHDES's approved plans and specifications, per Env-Or 407.07(b). If the NH P.E.'s inspection reveals any discrepancies between the system as installed and the approved plans and specifications, the owner shall submit to NHDES as-built record drawings prepared and stamped by a NH P.E., per Env-Or 407.07(c).
- I. The certified tank installer shall test all installed sumps for tightness in accordance with Env-Or 406.21. The certified tank installer shall certify and provide the certified test results to NHDES and owner at the time of the backfill inspection of system, per Env-Or 407.08(c).
- J. All line leak detectors shall be tested in accordance with the manufacturer's requirements. The certified tank installer shall certify that all line leak detectors passed a functionality test and submit the certified test results to NHDES before any regulated substance is dispensed or used for consumption, as applicable, per Env-Or 407.08(d) and (e).
- K. **Prior to authorization to dispense to the public** all **Primary Containment Systems** shall be **successfully** tested as defined in Env-Or 406.24. Testing shall be for tightness per Env-Or 406.24(b), which includes **any motor fuel dispensing UST system** dispensing gasoline, diesel, kerosene, Jet and Avgas. The certified tank installer shall provide the certified test results to NHDES per Env-Or 406.24(d). **This facility doesn't require the test to be witnessed by a NHDES inspector.**

- L. Prior to NHDES authorizing an underground storage tank system to be placed into service, the owner shall submit to NHDES final certification by a New Hampshire licensed professional engineer or the certified tank installer that the installation has been completed and is in accordance with **NHDES's approved plans and as-built record drawings** and all terms and conditions, per Env-Or 404.03(i).
- M. A new or amended registration form, respectively, for new systems or substantially modifications of existing systems, shall be filed with NHDES at the time of the final inspection of the system, per Env-Or 404.01(f). **Use form dated September 2013.**
- N. Per RSA 146-C:17, effective August 8, 2012, no person shall operate an underground storage facility without designated class A, B, and C operators who have been trained and certified in accordance with an approved training program. Information can be obtained by contacting the Oil Compliance and Enforcement section's UST Operator Training Specialist, Spruce by dialing (603) 271-0673 or by email at Spruce.Wheelock@des.nh.gov. Additional information, including approved operator training programs, upcoming class dates, Operator Training forms, and more, by visiting the Operator Training website at: <http://des.nh.gov/organization/divisions/waste/orcb/ocs/ustp/operator-training/index.htm>
- O. The State of New Hampshire and NHDES shall incur no liability by reason of this plan review for this proposed facility. The comments in this letter are based on plans and specifications supplied by the site owner or responsible party. **This plan review does not guarantee the adequacy of the approved plan nor does it supersede any federal, state, or local ordinances or regulations.**
- P. This approval in no way constitutes an endorsement or approval of any material, design, or workmanship, but only that the plans and specifications, as submitted, appear to fulfill the requirements of the UST Rules. Nor does the approval relieve the owner of the responsibility to install the system according to acceptable engineering design and construction practices.
- Q. **State law does not preempt local authority.** You must notify the appropriate local officials and comply with any local ordinances and permitting requirements. This includes building permits, notification to the fire department, and any approvals and inspections.
- R. If the ICC installer is not already identified on the application. **Prior to starting any UST construction at the site the owner shall provide written notice to the NHDES plan approval engineer noted below on the projects ICC certified installer.** This written notice shall include all Information as required per [Env-Or 407.02(m)].
- S. The approved plan(s) note an encroachment of the facility onto the NHDOT highway right-of-way. This area of encroachment has been identified by the engineer of record on the approved plan(s) as a right-of-way easement and not property owned by the State of NH. However, pursuant to RSA 236:1, the Department of Transportation may regulate the use of the right of way, which is reserved for highway purposes, and they have a responsibility to operate and maintain the highway in a safe manner. Therefore an Encroachment Agreement dated February 21, 2018 has been acquired from NHDOT to document any restrictions related to the proposed encroachments. This NHDES approval is contingent on you executing the approved agreement with NHDOT prior to the commencement of work at the facility. In addition prior to construction, the owner shall obtain a Trench Permit from the NHDOT Maintenance 2 District Office that will govern the actual conduct of the work within the right of way, including traffic control.

T. **OSFM Variance Approval:** Note this project has an approved variance from the Office of the State Fire Marshal (OSFM) dated April 2, 2018. The variance is related to; #1 The dispensing device within the NHDOT ROW, NFPA 30A 6.2.1(1) and #2 The vehicles being served are within the ROW of NHDOT, NFPA 30A 6.2.1(3), The variance approves the location of the dispenser and vehicles being served on NHDOT ROW.

A permit to temporarily discharge groundwater, pursuant to Env-Wq 402 may be required prior to dewatering necessary for the installation of an UST system. Applications and permitting information can be obtained by calling (603) 271-2513.

The owner shall also be responsible for any damages and regulatory fines due to spilled or leaked petroleum caused by non-compliance, faulty design, or poor workmanship. The State of New Hampshire shall not incur any liability as a result of any spill, leak, failure, or damage of any kind related to the UST facility.

Please contact me should you have any questions regarding this conditional construction approval.

Sincerely,



Charles A. Corliss Jr. P.E.
Oil Remediation and Compliance Bureau
Tel: (603) 271-0686
Fax: (603) 271-2181
Email: Charles.Corliss@des.nh.gov

Enclosures: Closure Notification Form
UST Registration Form
Stage I & II Vapor Recovery Notification Form

cc: J. William Degnan, State Fire Marshal
Sean Toomey, P.E., State Fire Marshal
Kenneth Walsh, Fire Protection Specialist, OSFM
Douglas King P.E., District Two Engineer, NHDOT Highway District 2 Office
Chris Turgeon P.E., District Two Assistant Engineer, NHDOT Highway District 2 Office
Danbury Fire Chief
Mark Antonia P.E., Antonia Design LLC
Matt Jones, NHDES
Jennifer Marts, NHDES
Eric Johnson, NHDES
Steve Scotton, NHDES
Chuck Corliss, NHDES