



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 25, 2019

BY CERTIFIED MAIL # 7017 2680 0000 0644 9219

BY EMAIL AT: DOCTOR_AYUB@YAHOO.COM

Chaudhary K. Jaweed
Only Gas Alone, Inc.
202 NH 108
Somersworth, NH 03878

**NOTICE OF
INTENT TO RED TAG
IRT #19-021**

**LETTER OF DEFICIENCY
WMD LOD #19-038**

Subject Site/Facility: Hillsborough – Mobil, 22 Henniker Street
NHDES Site #198904015, UST Facility #0110384

Reference: Intent to Red Tag IRT #19-021
Letter of Deficiency WMD LOD #19-038

Dear Mr. Jaweed:

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

If you do not correct deficiencies #1, #2, #3, #4, #5 and #6 as described below within 10 days of this letter, the non-compliant UST system(s) will be subject to be red-tagged by NHDES; 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.

NHDES 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 December 26, 2018, NHDES staff conducted a compliance inspection of the subject UST facility at the subject site (December Inspection). By inspection report dated December 26, 2018, NHDES 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 NHDES within 45 days.

On December 21, 2018, NHDES issued **REVISED Letter of Deficiency WMD LOD #18-176** to Only Gas Alone, Inc. for failure to permanently close non-compliant piping associated with tank #7 by December 22, 2015, release detection, leak monitoring, and primary containment requirements, among other deficiencies. According to NHDES records tank #7 is red-tagged. NHDES has not received documentation indicating that these deficiencies have been addressed. These deficiencies remain outstanding and require your immediate attention.

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NHDES has not received documentation addressing any of the deficiencies identified in the inspection report. Furthermore, a file review indicates that certain periodic testing and reporting requirements may not been accomplished. Therefore, pursuant to RSA 146-C:15, NHDES hereby notifies you of its **intent to red-tag** the non-compliant UST systems if **deficiencies #1, #2, #3, #4, #5 and #6** 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 #7 through #14, as listed beginning on page 3.

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.

Please be aware that NHDES has recently adopted new regulations, effective October 10, 2018. As the inspection was conducted on December 26, 2018, the inspection was conducted under the new UST rules, thus the citations below are in accordance with those rules unless otherwise noted.

The deficiencies for all tanks are listed below.

Deficiency #1: Failure to permanently close existing single-walled system(s) or system component(s) by December 22, 2015.

During the December Inspection and based on a subsequent review of NHDES records, the NHDES inspector determined that the non-compliant piping associated with tank #7 (diesel) has not been permanently closed in accordance with the requirements of Env-Or 408.06 through Env-Or 408.10. Env-Or 408.05(c) states that "with the exception of vent piping, any part of an existing single wall UST system that routinely contains regulated substance without secondary containment and leak monitoring shall be permanently closed by December 22, 2015." To correct this deficiency, permanently close the non-compliant piping system(s) in accordance with Env-Or 408.06 through Env-Or 408.10 and temporarily close tank #7 in accordance with Env-Or 408.04(a-d).

Deficiency #2: Failure to test automatic line leak detection.

During the December Inspection, the annual automatic line leak detection test for tanks #8 and #9 has not been conducted since May 18, 2017. Env-Or 406.09(a) requires automatic line leak detectors be tested annually in accordance with the manufacturer's requirements to confirm they are operating in accordance with their designed function. To correct this deficiency, conduct an annual line leak detector test.

Deficiency #3: Failure to submit automatic line leak detection report.

During the December Inspection, the annual automatic line leak detection test report for tanks #8 and #9 has not been submitted to NHDES since May 24, 2017. Env-Or 406.09(d) requires owners to submit line leak detector test report to NHDES no later than 30 days after the test was performed. To correct this deficiency, submit an annual line leak detector test.

Deficiency #4: Failure to test leak monitoring system.

During the December Inspection, the annual leak monitoring equipment for tanks #8 and #9 has not been tested since May 18, 2017. Env-Or 406.13(a) requires owners to test all leak monitoring equipment annually for proper operation. To correct this deficiency, conduct an annual leak monitoring test.

Deficiency #5: Failure to submit leak monitoring system report.

During the December Inspection, the annual leak monitoring test report for tanks #8 and #9 and their associated piping has not been submitted to NHDES since May 24, 2017. Env-Or 406.13(d) requires owners to submit the leak monitoring test results to NHDES no later than 30 days after the test was performed. To correct this deficiency, submit an annual leak monitoring test report.

Deficiency #6: Failure to test primary containment system for tightness every three years.

During the December Inspection, the triennial primary containment system test for tightness for tanks #8 and #9 has not been performed since March 19, 2015. Env-Or 406.17(b) requires the owner of a motor fuel dispensing UST system to test the primary containment system for tightness no later than December 22, 2017, and triennially thereafter. To correct this deficiency, submit the tightness test or pressure decay test for primary containment system in accordance with Env-Or 406.17(e) and (f).

As noted above, NHDES will red-tag the non-compliant UST system(s) if deficiencies #1, #2, #3, #4, #5 and #6 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 #7: Failure to conduct and submit pressure decay and PV vent cap pressure and vacuum testing requirements for any decommissioned stage II vapor recovery equipment.

During the December Inspection and based on a subsequent file review, NHDES determined that the stage II vapor recovery equipment was decommissioned on April 29, 2015. Env-Or 505.03(c) requires any owner or operator who decommissions stage II vapor recovery equipment must continue to comply with the pressure decay and pressure/vacuum vent cap pressure and vacuum testing requirements of Env-Or 505.10 through Env-Or 505.12 for all equipment that remains in place, including any stage II vapor return piping that remains connected to the tank. Env-Or 505.10(a) requires the owner or operator of a gasoline dispensing facility that is subject to Env-Or 505.10 must perform stage II system testing as specified in Env-Or 505.11 and Env-Or 505.12 at least once every three years. To correct this deficiency, please notify NHDES of the pressure decay testing, conduct the pressure decay test, and submit test results to NHDES.

Deficiency #8: Failure to post a valid permit to operate.

During the December Inspection, the NHDES inspector determined that the permit to operate was not posted. RSA 146-C:4, I prohibits anyone from owning or operating an UST facility without a permit issued by NHDES. Env-Or 404.07(d) requires NHDES to issue a permit-to-operate unless the facility is not in compliance with all applicable requirements of Env-Or 400, Env-Or 500, Env-Or 600, Env-Or 700 and RSA 146-C. *Once all deficiencies have been corrected a new permit-to-operate will be issued to the new owner.* To correct this deficiency, carry out all corrective actions as listed in this letter and submit documentation to NHDES showing the deficiencies have been corrected.

Deficiency #9: Failure to post UST certificate.

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

Deficiency #10: Failure to conduct monthly visual inspections.

During the December Inspection, the NHDES inspector determined that monthly inspections have not been consistently or comprehensively conducted. RSA 146-C:19 and Env-Or 406.18 require monthly visual inspections be conducted by or under the direction of the class A or B operator at all UST facilities. Deficiencies discovered during visual inspections must be repaired or resolved within 30 days. To correct this deficiency, conduct and record monthly visual inspections and submit a copy of the most recent inspection report to NHDES.

Deficiency #11: Failure to post listing of class C operators.

During the December Inspection, the NHDES inspector determined that a listing of Class C operator(s) was not posted. RSA 146-C:17, IV 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 #12: Failure to post operator response guidelines.

During the December Inspection, the NHDES inspector determined that the operator response guidelines were not posted. RSA 146-C:17, III 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 #13: Failure to designate class A and B operator(s).

During the file review of NHDES records, NHDES determined that a UST Statement of Training under the ownership of Only Gas Alone, Inc. was not on file with NHDES. RSA 146-C:17, I prohibits anyone from operating a UST facility without designated class A, B, and C operators who have been trained and certified in accordance with an approved training program. 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 and submit a statement of training (enclosed) designating 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 NHDES and other approved class A and B training programs.

Deficiency #14: Failure to report changes in information on the UST Registration form.

During the file review of NHDES records, NHDES determined the UST registration form on file lists the facility owner's mailing address as 378 Hudson Street in Cornwall on Hudson, NY; whereas, the New Hampshire Secretary of State lists the facility owner's mailing address as 202 NH 108 in Somersworth, NH. RSA 146-C:3, III requires the owner of each underground storage facility to report any changes in relevant information, including the mailing address within 10 days of the change. Please provide an updated registration form for the facility, if inaccurate.

NHDES believes you can correct deficiencies #7 through #13 as noted in this letter within **30 days**, and deficiencies #13 and #14 as noted in this letter within **10 days**.

The Commissioner of NHDES 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. NHDES 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 Laura Weit-Marcum or me in the Waste Management Division of NHDES as soon as the above deficiencies are corrected, or if you already have corrected them. Laura can be reached at (603) 271-7374 or by email at Laura.Weit-Marcum@des.nh.gov and I can be reached at (603) 271-2986 or by email at Matthew.Jones@des.nh.gov. Please also contact Laura or me if you have any questions regarding this letter.

Sincerely,



Matthew A. Jones, Compliance & Enforcement Subsection Chief
Oil Compliance Section
Tel. No. (603) 271-2986
Fax No. (603) 271-2181
Email: Matthew.Jones@des.nh.gov

Enclosures: December 26, 2018 UST Facility Inspection Report
 REVISED Letter of Deficiency WMD LOD #18-176
 Annual Leak Monitoring Test Form
 Annual Line Leak Detector Test Form
 UST Operator's Monthly Visual Inspection Checklist
 Statement of Training
 UST Registration Form
 UST Closure Notification Form
 RSA 146-C:14, 15, & 16: Delivery Prohibition

cc: Eric Slifka, Global Montello Group Corp., 800 South St., Suite 500, Waltham, MA 02453
 NHDES Legal Unit

ec: Hillsborough Health Officer
 NHDES IRT List
 Spruce Wheelock, UST Leak Prevention & Operator Training Specialist, ORCB



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

12/26/2018

CHAUDHARY K JAWEED
ONLY GAS ALONE
378 HUDSON ST
CORNWALL ON HUDSON, NY 12520-

Subject Site: HILLSBOROUGH, MOBIL, 22 HENNIKER ST
DES Site # 198904015, UST Facility # 0110384

Reference: Underground Storage Tank Facility Inspection Report

On December 26, 2018 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.

Env-Or 505.10 requires the owner or operator of a gasoline storage tank at a gasoline dispensing facility with an active or decommissioned Stage II system to conduct system testing every 3 years. Additionally, Env-Or 504.07 requires the owner or operator of a gasoline storage tank at a Stage I gasoline dispensing

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facility having a monthly throughput of 100,000 gallons per month or more to also conduct system testing every 3 years.

The DES inspector determined that a system test was not conducted or did not pass.

Please perform a vapor recovery system test for this gasoline facility. Please notify DES of the test date and submit passing test results.

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.

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 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.

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.

TANK #7 (Containing DIESEL FUEL with Capacity of 6000 gallons)

Env-Or 408.04-10 requires that temporary and permanent closure requirements be met for certain UST systems and components.

The DES inspector has determined that tank #7 (diesel product) has single wall components that routinely contain regulated substance requiring closure by December 22, 2015.

Please permanently close all single wall components, starting with submittal of closure notification form at least 30 days prior to the closure and submittal of a closure report within 30 days after the closure.

TANK #8 (Containing GASOLINE with Capacity of 8000 gallons)

Env-Or 504.01 and 504.02 requires an owner or operator of a gasoline storage tank at either a gasoline dispensing facility or a bulk gasoline plant to install, maintain and operate stage I equipment, and to properly notify DES of its existence and upkeep.

The DES inspector has determined that a Stage I Notification Form was not completed nor submitted to DES.

Please submit a Stage I Notification Form to the division.

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 406.16 requires annual testing and reporting.
The passing annual line leak detector test had not been performed.

Please provide line leak detector 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.

Env-Or 406.24(b) requires the owner of a motor fuel dispensing UST system to test the primary containment system for tightness no later than December 22, 2017 and triennially thereafter.
The DES inspector has determined that primary containment tightness testing has not been conducted pursuant to rule requirement.

Please conduct primary containment tightness testing pursuant to the requirements of Env-Or 406.24 and provide DES with a copy of the tightness test reports.

TANK #9 (Containing GASOLINE with Capacity of 8000 gallons)

Env-Or 504.01 and 504.02 requires an owner or operator of a gasoline storage tank at either a gasoline dispensing facility or a bulk gasoline plant to install, maintain and operate stage I equipment, and to properly notify DES of its existence and upkeep.

The DES inspector has determined that a Stage I Notification Form was not completed nor submitted to DES.

Please submit a Stage I Notification Form to the division.

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 406.16 requires annual testing and reporting.
The passing annual line leak detector test had not been performed.

Please provide line leak detector 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.

Env-Or 406.24(b) requires the owner of a motor fuel dispensing UST system to test the primary containment system for tightness no later than December 22, 2017 and triennially thereafter.
The DES inspector has determined that primary containment tightness testing has not been conducted pursuant to rule requirement.

Please conduct primary containment tightness testing pursuant to the requirements of Env-Or 406.24 and provide DES with a copy of the tightness test reports.

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,



12/26/2018

HARDING SCHOFIELD, Inspector

Date

12/26/2018

CHAUDHARY K JAWEED, Facility Manager

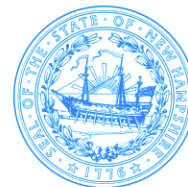
Date

Important Dates

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	7		Annual
Tank Leak Monitor Test	8, 9	Test Immediately	Annual
LLD Function Check	7		Annual
LLD Function Check	8, 9	Test Immediately	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	7, 8, 9	5/13/2020	Every 3 years OR monthly interstice monitoring
Overfill Testing	7		Every 3 years
Overfill Testing	8, 9	5/18/2020	Every 3 years
Primary Containment System Tightness Test	7	5/18/2020	Every 3 years
Primary Containment System Tightness Test	8, 9	Test Immediately	Every 3 years
Operator Monthly Checklist			Monthly
JASON FRIGON - A Operator Training		10/24/2020	Every 2 years



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Robert R. Scott, Commissioner

December 21, 2018

CERTIFIED MAIL # 7007 2560 0001 3866 8076

BY EMAIL AT: DOCTOR_AYUB@YAHOO.COM

**REVISED
LETTER OF DEFICIENCY
WMD LOD #18-176**

Jaweed Chaudhary
Only Gas Alone, Inc.
374 Hudson Street
Cornwall on Hudson, NY 12520

Subject Site: Hillsborough – Mobil, 22 Henniker Street
NHDES Site #198904015, UST Facility #0110384

Reference: REVISED WMD LOD #18-176 replaces WMD LOD #18-176 dated July 11, 2018

Dear Mr. Chaudhary:

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 at your facility.

RSA 146-C authorizes the New Hampshire Department of Environmental Services ("NHDES") to regulate the installation, maintenance, operation, licensing and closure of underground storage tanks ("USTs"). Pursuant to RSA 146-C:9, NHDES has adopted NH Code of Admin. Rules Env-Or 400 to set forth the requirements for UST facilities by establishing criteria for registration and permitting, standards for design, installation, operation, maintenance, and monitoring of such facilities (the "UST Rules").

NHDES conducted a file review of the existing UST facility at the subject site. Our review indicates that the deficiencies identified below have not been complied with to date. NHDES hereby issues REVISED Letter of Deficiency ("LOD") WMD LOD #18-176.

Please be aware that NHDES has recently adopted new regulations, effective October 10, 2018. As the original Letter of Deficiency was issued on July 11, 2018, the file review was conducted under the previous UST rules, thus the citations below are in accordance with those rules unless otherwise noted.

The current deficiencies and actions needed are as follows:

Deficiency #1: Failure to permanently close existing single-walled system(s) or system component(s) by December 22, 2015.

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NHDES has determined that the pressurized piping associated with tank #7, 6,000-gallon diesel UST at the subject site has not been permanently closed in accordance with the requirements of Env-Or 408.06 through Env-Or 408.10. Env-Or 408.05(c) states "with the exception of vent piping, any part of an existing single wall UST system that routinely contains regulated substance without secondary containment and leak monitoring shall be permanently closed by December 22, 2015." To correct this deficiency, permanently close the existing double-walled and non-monitored piping system(s) at the subject site in accordance with Env-Or 408.06 through Env-Or 408.10 and temporarily close the UST in accordance with Env-Or 408.04(a through d, and h).

The specific interim steps, as identified in Env-Or 408.04(a, b, and d) are as follows:

- 1) remove all regulated substances from the system so that no more than one inch of residue remains in the tank;
- 2) equip each opening or access point, such as fill risers, with a lock to secure against unauthorized use or tampering;
- 3) handle and dispose of all removed substances in accordance with applicable local, state, and federal requirements; and
- 4) submit an amended registration form to DES to report the change in operational status to temporary closure in accordance with Env-Or 404.01.

If the above described interim steps are taken **within 10 days** of the date of this letter, deficiency #1 will still remain outstanding. However, NHDES believes you can achieve full compliance with Env-Or 408.05(c) within **90 days** of the date of this letter by taking the following actions:

- 1) submit a UST closure notification form for the pressurized piping to DES within **30 days** of the date of this letter;
- 2) permanently close the non-compliant pressurized piping in accordance with Env-Or 408.06 through Env-Or 408.10 within **60 days** of the date of this letter; and
- 3) submit a closure report to DES for the pressurized piping in accordance with Env-Or 408.10 within **90 days** of the date of this letter.

Deficiency #2: Failure to test automatic line leak detection.

Based on a review of NHDES records, the annual automatic line leak detection test for tanks #8 and #9 have not been conducted since May 18, 2017. Env-Or 406.16 requires automatic line leak detectors be tested annually in accordance with the manufacturer's requirements to confirm they are operating in accordance with their designed function. To correct this deficiency, conduct an annual line leak detector test.

Deficiency #3: Failure to submit automatic line leak detection report.

Based on a review of NHDES records, the annual automatic line leak detection test report for tanks #8 and #9 have not been submitted to NHDES since May 24, 2017. Env-Or 406.16 requires owners to submit line leak detector test report to NHDES no later than 30 days after the test was performed. To correct this deficiency, submit an annual line leak detector test.

Deficiency #4: Failure to test leak monitoring system.

Based on a review of NHDES records, the annual leak monitoring equipment for tanks #7, #8 and #9 have not been tested since May 18, 2017. 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 #5: Failure to submit leak monitoring system report.

Based on a review of NHDES records, the annual leak monitoring test report for tanks #8 and #9 and their associated piping have not been submitted to NHDES since May 24, 2017. Env-Or 406.20 requires owners to submit the leak monitoring test results to NHDES no later than 30 days after the test was performed. To correct this deficiency, submit an annual leak monitoring test report.

Deficiency #6: Failure to test primary containment system for tightness every three years.

During the file review of NHDES records, the triennial primary containment system test for tightness for tanks #8 and #9 have not been performed since March 19, 2015. Env-Or 406.24(b) requires the owner of a motor fuel dispensing UST system to test the primary containment system for tightness no later than December 22, 2017, and triennially thereafter. To correct this deficiency, submit the tightness test or pressure decay test for primary containment system in accordance with Env-Or 406.24(d) and (e).

Deficiency #7: Failure to designate class A and B operator(s).

During the file review of NHDES records, NHDES determined that a UST Statement of Training under the ownership of Only Gas Alone, Inc. was not on file with NHDES. RSA 146-C:17, I prohibits anyone from operating a UST facility without designated class A, B, and C operators who have been trained and certified in accordance with an approved training program. 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 and submit a statement of training (enclosed) designating 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 NHDES and other approved class A and B training programs.

NHDES believes you can correct deficiency #1 as noted in this letter within **90 days**, and deficiencies #2, #3, #4, #5, #6, and #7 as noted in this letter within **30 days**.

RSA 146-C authorizes NHDES to issue an administrative order requiring the deficiencies be corrected, impose administrative fines up to \$2,000 per offense, prohibit the delivery of fuel, and refer the matter to the NH Department of Justice for the imposition of civil penalties or criminal prosecution. Fines may be pursued for any or all deficiencies observed during any previous site visits and any future site visits. 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 me in the Waste Management Division of DES as soon as the above deficiencies are corrected, or if you already have corrected them. I can be reached at (603) 271-3899 or by email at Matthew.Jones@des.nh.gov. Please also contact me if you have any questions regarding this letter.

Sincerely,



Matthew A. Jones, Compliance & Enforcement Subsection Chief
Oil Compliance Section
Tel No. (603) 271-2986
Fax No. (603) 271-2181
e-mail: Matthew.Jones@des.nh.gov

Enclosures: Annual Leak Monitoring Test Form
 Annual Line Leak Detector Test Form
 Statement of Training
 UST Registration Form

cc: NHDES Legal Unit

ec: Hillsborough Health Officer
 Sarah Yuhas Kirn, P.G., Administrator, ORCB
 Charles Corliss, P.E., Supervisor, Oil Compliance Section, ORCB
 Laura Weit-Marcum, Enforcement Coordinator, ORCB
 Emily Szmyt, Enforcement Specialist, ORCB