



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

7/3/2019

ROBERT ST GERMAIN
L & B HOLDINGS LLC
PO BOX 430
SANBORNVILLE, NH 03872-0430

Subject Site: WAKEFIELD, SEVEN LAKES PROVISIONS, 1260 PROVINCE LAKE RD
DES Site # 199608010, UST Facility # 0113050

Reference: Underground Storage Tank Facility Inspection Report

On July 03, 2019 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 404.01 REQUIRES THAT ALL REGULATED UST SYSTEMS BE REGISTERED WITH NHDES. RSA 146-C:3, I REQUIRES THE OWNER OF EACH UNDERGROUND STORAGE FACILITY TO REGISTER THE FACILITY WITH THE NHDES AND PROVIDE TANK INFORMATION INCLUDING THE SIZE, AGE, TYPE OF TANK MATERIAL, LOCATION (ON-SITE), AND PRODUCT STORED.

A REVIEW OF NHDES RECORDS INDICATES THAT THE CURRENT OWNER AND/OR UST SYSTEM IS NOT REGISTERED.

PLEASE PROVIDE AN UPDATED UST REGISTRATION FORM TO NHDES WITH ALL CURRENT UST SYSTEM AND OWNER INFORMATION.

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A REVIEW OF NHDES RECORDS INDICATES THAT THE REGISTRATION INFORMATION IS NOT CURRENT. ENV-OR 404.01(D) REQUIRES ANY CHANGE IN INFORMATION ON THE UST REGISTRATION FORM MUST BE PROVIDED TO NHDES WITHIN 10 DAYS. RSA 146-C:3, III

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

REQUIRES THE OWNER OF EACH UNDERGROUND STORAGE FACILITY TO REPORT ANY CHANGES IN RELEVANT INFORMATION WITHIN 10 DAYS OF THE CHANGE.

PLEASE PROVIDE AN UPDATED UST REGISTRATION FORM TO NHDES WITH ALL CURRENT UST SYSTEM AND OWNER INFORMATION.

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.

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, A POSTING OF THE CERTIFIED CLASS C OPERATORS FOR THE FACILITY, AND A POSTING FOR THE FACILITY RESPONSE GUIDELINES,

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 THAT INCLUDES THE LATEST DATE OF TRAINING, THE EXPIRATION DATE REGARDING THE TRAINING, AND AN IDENTIFICATION OF THE APPROVED TRAINING PROGRAM OR THE NAME OF THE CERTIFIED CLASS A OR B OPERATOR THAT TRAINED EACH CLASS C OPERATOR.

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, A POSTING OF THE CERTIFIED CLASS C OPERATORS FOR THE FACILITY, AND A POSTING FOR THE FACILITY RESPONSE GUIDELINES,

THE DES INSPECTOR COULD NOT DOCUMENT THAT FACILITY RESPONSE GUIDELINES MEETING THE REQUIREMENTS OF RSA 146-C:17,III AND RSA 146-C:19(I) WAS POSTED.

PLEASE POST THE FACILITY OPERATOR RESPONSE GUIDELINES THAT INCLUDE SPILL REPORTING PROCEDURES, CONTACT PHONE NUMBERS, MALFUNCTIONING EQUIPMENT

LOCK-OUT/TAG-OUT AND NOTIFICATION PROCEDURES, AND INITIAL MITIGATION PROTOCOL FOR EMERGENCIES, AS REQUIRED BY RSA 146-C:19, 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, A POSTING OF THE CERTIFIED CLASS C OPERATORS FOR THE FACILITY, AND A POSTING FOR THE FACILITY RESPONSE GUIDELINES,

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, A POSTING OF THE CERTIFIED CLASS C OPERATORS FOR THE FACILITY, AND A POSTING FOR THE FACILITY RESPONSE GUIDELINES,

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.

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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.

PLEASE HAVE THE CURRENT CLASS A OPERATOR RETRAINED AND RECERTIFIED IN ACCORDANCE WITH RSA 146-C:21 OR A REPLACEMENT CLASS A OPERATOR SHALL BE DESIGNATED VIA A STATEMENT OF TRAINING FILLED OUT BY THE CLASS A OPERATOR AND THE FACILITY OWNER, AS REQUIRED BY RSA 146-C:17,V.

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DESIGNATED VIA A STATEMENT OF TRAINING FILLED OUT BY THE CLASS B OPERATOR AND THE FACILITY OWNER, AS REQUIRED BY RSA 146-C:17,V.

TANK #3A (Containing GASOLINE with Capacity of 8000 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 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 leak monitor for the tank system listed was in alarm condition and the tank system was not temporarily closed.

Please provide monitor replacement or maintenance results for all UST systems as noted 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 tank has liquid in the interstitial space.

Pursuant to Env-Or 406.10, Unusual Operating Conditions, please investigate the source of the liquid and determine if a release of regulated substance has occurred, conduct a tightness test, and submit a written report to DES within 7 days.

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 leak monitoring console is not located in an area that is readily heard and seen by the operator or other personnel during normal working times.

Please set monitor in a location that can be seen and heard by the facility's operator or personnel during normal working times.

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.

Env-Or 406.19 requires that no later than December 22, 2017 and triennially thereafter, all spill containment equipment without secondary containment and leak monitoring shall be tested for tightness as specified in Env-Or 406.11 through Env-Or 406.14.

The DES inspector has determined that spill containment integrity testing has not been conducted pursuant to rule requirement.

Please conduct integrity testing pursuant to the requirements of Env-Or 406.19 and provide DES with a copy of the tightness test reports.

ENV-OR 406.17 REQUIRES THE OWNER OF A MOTOR FUEL DISPENSING UST SYSTEM TO TEST THE PRIMARY CONTAINMENT SYSTEM FOR TIGHTNESS NO LATER THAN DECEMBER 22, 2017, PRIOR TO OPERATION AFTER A SIGNIFICANT SYSTEM MODIFICATION, AND TRIENNIALLY AFTER THE INITIAL TEST.

THE DES INSPECTOR HAS DETERMINED THAT TRIENNIAL PRIMARY CONTAINMENT TIGHTNESS TESTING HAS NOT BEEN CONDUCTED PER ENV-OR 406.17.

PLEASE CONDUCT PRIMARY CONTAINMENT SYSTEM TESTING USING A TEST METHOD DESCRIBED IN ENV-OR 406.17(B)(1-3) AND SUBMIT THE PASSING TEST RESULTS TO DES. IF THE PRIMARY CONTAINMENT SYSTEM TEST FAILS, PLEASE NOTIFY DES PER ENV-OR 406.08, INVESTIGATE THE CAUSE OF THE FAILURE AND DETERMINE IF THE SYSTEM HAS LEAKED WITHIN 7 DAYS; OR TEMPORARILY CLOSE THE SYSTEM WITHIN 7 DAYS OF THE INITIAL FAILURE AND PERMANENTLY CLOSE THE SYSTEM IN ACCORDANCE WITH ENV-OR 408.06 THROUGH 408.10 WITHIN 30 DAYS OF THE INITIAL FAILURE. THE OWNER SHALL SUBMIT A WRITTEN REPORT TO DES WITHIN 30 DAYS OF THE INITIAL FAILURE THAT DESCRIBES THE WORK PERFORMED, THE REPAIRS MADE, AND ANY OTHER ACTIONS TAKEN IN RESPONSE TO THE FAILURE. ANY SYSTEM THAT HAS BEEN REPAIRED SHALL BE RETESTED FOR TIGHTNESS TO CONFIRM THE EFFECTIVENESS OF THE REPAIRS, WITH THOSE TEST RESULTS ALSO SUBMITTED TO DES.

TANK #3B (Containing GASOLINE with Capacity of 4000 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.

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

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The leak monitor was not tested annually.

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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,



7/3/2019

COREY ROUSSEAU, Inspector

Date

ROBERT ST GERMAIN, Facility Manager

Date

Important Dates

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	3A, 3B	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	3A, 3B	Past Due	Every 3 years OR monthly interstice monitoring
Overfill Testing	3A, 3B	No previous test - Test Immediately	Every 3 years
Primary Containment System Tightness Test	3A, 3B	No previous test - Test Immediately	Every 3 years
Operator Monthly Checklist			Monthly