



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

**Robert R. Scott, Commissioner**



7/10/2019

DOUG COLBY  
DOUG COLBY  
PO BOX 199  
DANBURY, NH 03230-0199

**Subject Site: DANBURY, DICKS VILLAGE STORE, 717 RTE 4**  
DES Site # 199607052, UST Facility # 0112726

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

On July 10, 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 404.05-07 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(II) 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 VISUAL INSPECTIONS HAVE NOT BEEN CONSISTENTLY OR COMPREHENSIVELY CONDUCTED PER RSA 146-C:19(II) AND ENV-OR 406.18(A).

**PLEASE CONDUCT MONTHLY VISUAL INSPECTION AND PROVIDE A COPY OF THE MOST RECENT MONTHLY INSPECTION 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 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 HAS DETERMINED THAT THE CLASS A OPERATOR IS CURRENTLY OVERDUE FOR RECERTIFICATION, AS REQUIRED BY RSA 146-C:18(I)(A)(3).

**PLEASE HAVE THE CURRENT CLASS A OPERATOR RECERTIFIED BY AN APPROVED TRAINING PROGRAM IN ACCORDANCE WITH RSA 146-C:18. PLEASE SUBMIT A CERTIFICATE OF COMPLETION OR OTHER INFORMATION SHOWING THE CLASS A OPERATOR IS NOW RECERTIFIED.**

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 HAS DETERMINED THAT THE CLASS B OPERATOR IS CURRENTLY OVERDUE FOR RECERTIFICATION, AS REQUIRED BY RSA 146-C:18(I)(B)(5).

***PLEASE HAVE THE CURRENT CLASS B OPERATOR RECERTIFIED BY AN APPROVED TRAINING PROGRAM IN ACCORDANCE WITH RSA 146-C:18. PLEASE SUBMIT A CERTIFICATE OF COMPLETION OR OTHER INFORMATION SHOWING THE CLASS B OPERATOR IS NOW RECERTIFIED.***

**TANK #3A (Containing GASOLINE with Capacity of 9000 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 a tank was temporary closed but contains more than 1" of liquid.  
***Please remove all liquid to less than 1".***

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 405.05 and 406.06 require spill containment devices be installed and maintained in good working order on all UST systems.

Spill containment device was not maintained in good working order.

***The spill containment device shall be replaced, repaired or cleaned to enable the device to collect and hold a minimum 5-gallon spill during a product delivery. Please provide spill containment maintenance 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 not 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.***

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 406.12 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 406.05 THROUGH ENV-OR 406.08.

THE DES INSPECTOR HAS DETERMINED THAT SPILL CONTAINMENT INTEGRITY TESTING HAS NOT BEEN CONDUCTED PER ENV-OR 406.12(A).

**PLEASE CONDUCT SPILL CONTAINMENT INTEGRITY TESTING AND SUBMIT THE TEST RESULTS TO DES. IF THE TIGHTNESS TEST FAILS, PLEASE NOTIFY DES PER ENV-OR 406.08, INVESTIGATE THE CAUSE OF THE FAILURE AND DETERMINE IF THE SYSTEM HAS LEAKED WITHIN 30 DAYS; AND EITHER REPAIR OR REPLACE THE SPILL CONTAINMENT IN ACCORDANCE WITH ENV-OR 408.03 OR TEMPORARILY CLOSE THE UST SYSTEM, PER ENV-OR 408.04, WITHIN 30 DAYS OF THE INITIAL FAILURE. THE OWNER SHALL ALSO SUBMIT A SUMMARY OF CLOSURE ACTIVITY, INCLUDING, BUT NOT LIMITED TO, MEASUREMENTS FROM A PHOTOIONIZATION DETECTOR AND TIGHTNESS TEST RESULTS, PER ENV-OR 406.14(F), IN THE CASE OF NEW SPILL CONTAINMENT INSTALLATION.**

ENV-OR 406.11 REQUIRES THAT NO LATER THAN DECEMBER 22, 2017 AND TRIENNIALLY THEREAFTER, THE OWNER OF A UST SYSTEM SHALL TEST THE PRIMARY OVERFILL PROTECTION SYSTEM.

THE DES INSPECTOR HAS DETERMINED THAT THE PRIMARY OVERFILL PREVENTION DEVICE TESTING HAS NOT BEEN CONDUCTED PURSUANT TO ENV-OR 406.11(A).

**PLEASE CONDUCT PRIMARY OVERFILL PREVENTION DEVICE TESTING AND PROVIDE A COPY OF THE TEST RESULTS TO DES. ANY MALFUNCTIONING OVERFILL DEVICE SHALL BE REPAIRED WITHIN 30 DAYS. IF THE DEVICE CANNOT BE REPAIRED OR REPLACED WITHIN 30 DAYS, THE AFFECTED SYSTEM SHALL BE PROHIBITED FROM TAKING A DELIVERY UNTIL SATISFACTORY REPAIRS ARE MADE. ANY REPAIRED OR REPLACED OVERFILL PREVENTION DEVICE SHALL BE IMMEDIATELY TESTED AND REPORTED TO DES PER ENV-OR 406.11(D) THROUGH (H).**

**TANK #3B (Containing GASOLINE with Capacity of 3000 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 405.05 and 406.06 require spill containment devices be installed and maintained in good working order on all UST systems.

Spill containment device was not maintained in good working order.

**The spill containment device shall be replaced, repaired or cleaned to enable the device to collect and hold a minimum 5-gallon spill during a product delivery. Please provide spill containment maintenance 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 not 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.**

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 406.12 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 406.05 THROUGH ENV-OR 406.08.

THE DES INSPECTOR HAS DETERMINED THAT SPILL CONTAINMENT INTEGRITY TESTING HAS NOT BEEN CONDUCTED PER ENV-OR 406.12(A).

**PLEASE CONDUCT SPILL CONTAINMENT INTEGRITY TESTING AND SUBMIT THE TEST RESULTS TO DES. IF THE TIGHTNESS TEST FAILS, PLEASE NOTIFY DES PER ENV-OR 406.08, INVESTIGATE THE CAUSE OF THE FAILURE AND DETERMINE IF THE SYSTEM HAS LEAKED WITHIN 30 DAYS; AND EITHER REPAIR OR REPLACE THE SPILL CONTAINMENT IN ACCORDANCE WITH ENV-OR 408.03 OR TEMPORARILY CLOSE THE UST SYSTEM, PER ENV-OR 408.04, WITHIN 30 DAYS OF THE INITIAL FAILURE. THE OWNER SHALL ALSO SUBMIT A SUMMARY OF CLOSURE ACTIVITY, INCLUDING, BUT NOT LIMITED TO, MEASUREMENTS FROM A PHOTOIONIZATION DETECTOR AND TIGHTNESS TEST RESULTS, PER ENV-OR 406.14(F), IN THE CASE OF NEW SPILL CONTAINMENT INSTALLATION.**

ENV-OR 406.11 REQUIRES THAT NO LATER THAN DECEMBER 22, 2017 AND TRIENNIALLY THEREAFTER, THE OWNER OF A UST SYSTEM SHALL TEST THE PRIMARY OVERFILL PROTECTION SYSTEM.

THE DES INSPECTOR HAS DETERMINED THAT THE PRIMARY OVERFILL PREVENTION DEVICE TESTING HAS NOT BEEN CONDUCTED PURSUANT TO ENV-OR 406.11(A).

**PLEASE CONDUCT PRIMARY OVERFILL PREVENTION DEVICE TESTING AND PROVIDE A COPY OF THE TEST RESULTS TO DES. ANY MALFUNCTIONING OVERFILL DEVICE SHALL BE REPAIRED WITHIN 30 DAYS. IF THE DEVICE CANNOT BE REPAIRED OR REPLACED WITHIN 30 DAYS, THE AFFECTED SYSTEM SHALL BE PROHIBITED FROM TAKING A DELIVERY UNTIL SATISFACTORY REPAIRS ARE MADE. ANY REPAIRED OR REPLACED OVERFILL PREVENTION DEVICE SHALL BE IMMEDIATELY TESTED AND REPORTED TO DES PER ENV-OR 406.11(D) THROUGH (H).**

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,



7/10/2019

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STEVE SCOTTON, Inspector

Date

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DOUG COLBY, 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	No previous test - Test Immediately	Every 3 years OR monthly interstice monitoring
Overfill Testing	3A, 3B	Failed - Retest Immediately	Every 3 years
Primary Containment System Tightness Test	3A, 3B	No previous test - Test Immediately	Every 3 years
Operator Monthly Checklist			Monthly
DOUGLAS COLBY JR. - A Operator Training		Past Due	Every 2 years
DOUGLAS COLBY JR. - B Operator Training		Past Due	Every 2 years