



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



9/4/2020

ROBERT L DEFELICE
RLD REALTY LLC
PO BOX 477
N SUTTON, NH 03260-0477

Subject Site: SUTTON, VERNONDALE STORE, 1526 RTE 114
DES Site # 199708016, UST Facility # 0110819

Reference: Underground Storage Tank Facility Inspection Report

On September 04, 2020 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

RSA 146-C:3 and Env-Or 404.01 through 404.05 require the owner of a UST facility to register the facility with DES by providing the information required by RSA 146-C:3, I and II and to notify the DES of any change in information within 10 days of the change to by submitting an amended registration.

A review of DES records indicates the registration information is not current.

Please submit an updated UST registration form to DES with all current UST system, owner and contact information or notify DES in writing that the current UST registration is accurate.

RSA 146-C:19, II 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.

The DES inspector could not verify monthly visual inspections records are being conducted because the records were not available for the DES inspection per RSA 146-C:19, II.

Please conduct and record monthly visual inspections and submit a copy of the most recent inspection report 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.

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

Env-Or 404.06 through 404.08 require a permit to operate and that the permit is permanently affixed on the facility premises in a location that is visible to a DES inspector. Env-Or 405.01(g) requires that a UST certificate be permanently affixed and visible to the DES inspector at the facility premises. The DES inspector has determined the class A operator is currently overdue for recertification, as required by RSA 146-C:18(l)(a)(3).

Please have the current class A operator recertified by an approved training program in accordance with RSA-C:18 and submit documentation of certification to DES; or designate a replacement class A operator by submitting a Statement of Training form 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. Env-Or 404.06 through 404.08 require a permit to operate and that the permit is permanently affixed on the facility premises in a location that is visible to a DES inspector. Env-Or 405.01(g) requires that a UST certificate be permanently affixed and visible to the DES inspector at the facility premises. The DES inspector has determined the class B operator is currently overdue for recertification, as required by RSA 146-C:18(l)(b)(5).

Please have the current class B operator recertified by an approved training program in accordance with RSA-C:18 and submit documentation of certification to DES; or designate a replacement class B operator by submitting a Statement of Training form to DES.

TANK #5A (Containing GASOLINE with Capacity of 7000 gallons)

Env-Or 503.01 requires that the facility 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. Env-or 405.01(j) requires that all UST systems be equipped with a submerged fill tube installed with a clearance of at least 4 but less than 6 inches between the bottom of the tank and the point at which the regulated substance can first exit the submerged fill tube.

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

Please install a new drop tube with the highest exit point 4 to 6 inches above the bottom of the tank or verify the drop tube is installed in accordance with Env-Or 405.01(j) and submit documentation of the installation (including measurements and photographs) to DES.

Env-Or 405.05 and 406.01 require spill containment devices be installed and maintained in good working order on all UST systems.

The DES inspector has determined the fill spill containment was not maintained in good working order.

Please 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 and submit maintenance or installation results to DES. In the case of a spill containment device replacement, please submit tightness test results for the new device and a summary of closure activity in accordance with Env-Or 406.12 and Env-Or 408.03(g).

For closure of a spill containment device, please submit a summary of closure activity. If contamination is observed or if the integrity of the device is not verified prior to removal, include measurements from a photoionization detector per, Env-Or 406.12(g) and Env-Or 408.03(e).

Env-Or 405.06 and Env-Or 406.01 require overfill protection devices be installed and maintained in good working order on all UST systems. Env-Or 405.06(f) requires each overfill protection device to be accessible for inspection of proper operation.

The DES inspector could not verify the overfill protection device was installed at the required 95% shut off level per Env-Or 405.06(c).

Please submit documentation, including measurements and photographs, to DES that verifies overfill protection installation at the 90 percent alert or the 95 percent shut off level and overfill protection test results, as required by Env-Or 406.11. Any repaired or replaced overfill prevention device shall be immediately tested and reported as specified in Env-Or 406.11(d) through (h).

Env-Or 406.13 requires the owner to conduct annual leak monitoring system testing for proper operation and submit test results to DES no later than 30 days after the date of the test.

The DES inspector has determined the tank leak monitoring equipment was not tested annually for proper operation.

Please conduct annual leak monitor testing and submit passing test results to DES that meet the requirements of Env-Or 406.13(e) through (g).

If it is determined that the leak monitoring system is malfunctioning, Env-Or 406.02(c) requires the owner to repair the system and clear and reset any alarm condition to normal operating mode within 15 working days, or place the affected system(s) into temporary closure until satisfactory repairs are made.

Finally, if the leak monitor indicates a possible leak, the owner shall investigate the cause of the indication to determine if a leak has occurred, in accordance with Env-Or 406.04.

Env-Or 406.13 requires the owner to conduct annual leak monitoring system testing for proper operation and submit test results to DES no later than 30 days after the date of the test.

The DES inspector has determined the annual test documentation was not available for the tank leak monitoring equipment.

Please submit passing test results to DES that meet the requirements of Env-Or 406.13(e) through (g).

Env-Or 405.08 and Env-Or 406.02 require leak monitoring of tank systems to be installed and in good working order to continuously perform their original design function. Env-Or 406.02 requires the interstitial or annular space for tanks to be free of debris and water.

The DES inspector could not verify the leak monitoring for the tank system listed was continuously performing.

Please conduct maintenance to the leak monitoring system and submit passing leak monitoring test results to DES that meet the requirements of Env-Or 406.13(e) through (g). Please provide a description of maintenance in the comments section of the leak monitoring test report.

If it is determined that the leak monitoring system is malfunctioning, Env-Or 406.02(c) requires the owner to repair the system and clear and reset any alarm condition to normal operating mode within 15 working days, or place the affected system(s) into temporary closure in accordance with Env-Or 408.04 until satisfactory repairs are made.

Finally, if the leak monitor indicates a possible leak, the owner shall investigate the cause of the indication to determine if a leak has occurred, in accordance with Env-Or 406.04.

Env-Or 406.13 requires the owner to conduct annual leak monitoring system testing for proper operation and submit test results to DES no later than 30 days after the date of the test.

The DES inspector has determined the piping leak monitoring equipment was not tested annually for proper operation.

Please conduct annual leak monitor testing and submit passing test results to DES that meet the requirements of Env-Or 406.13(e) through (g).

If it is determined that the leak monitoring system is malfunctioning, Env-Or 406.02(c) requires the owner to repair the system and clear and reset any alarm condition to normal operating mode within 15 working days, or place the affected system(s) into temporary closure until satisfactory repairs are made.

Finally, if the leak monitor indicates a possible leak, the owner shall investigate the cause of the indication to determine if a leak has occurred, in accordance with Env-Or 406.04.

Env-Or 406.13 requires the owner to conduct annual leak monitoring system testing for proper operation and submit test results to DES no later than 30 days after the date of the test.

The DES inspector has determined the annual test documentation was not available for the piping leak monitoring equipment.

Please submit passing test results to DES that meet the requirements of Env-Or 406.13(e) through (g).

Env-Or 405.09 and Env-Or 406.02 require leak monitoring of tank systems to be installed and in good working order to continuously perform their original design function. Env-Or 405.04, Env-Or 406.01 and Env-Or 406.02 require secondary containment for UST piping systems that is in good working order to perform their original design function, liquid tight and maintained free of liquid and debris.

The DES inspector could not verify the leak monitoring for the piping was continuously performing.

Please conduct maintenance to the leak monitoring system and submit passing leak monitoring test results to DES that meet the requirements of Env-Or 406.13(e) through (g). Please provide a description of maintenance in the comments section of the leak monitoring test report.

If it is determined that the leak monitoring system is malfunctioning, Env-Or 406.02(c) requires the owner to repair the system and clear and reset any alarm condition to normal operating mode within 15 working days, or place the affected system(s) into temporary closure in accordance with Env-Or 408.04 until satisfactory repairs are made.

Finally, if the leak monitor indicates a possible leak, the owner shall investigate the cause of the indication to determine if a leak has occurred, in accordance with Env-Or 406.04.

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 the fill spill containment integrity testing has not been conducted.

Please conduct triennial tightness testing of the spill containment, per Env-Or 406.12, and submit the passing test results to DES.

Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.03 for repair requirements, Env-Or 406.12(g) for closure requirements, if applicable. For closure of a spill containment device, please submit a summary of closure activity. If contamination is observed or if the integrity of the device is not verified prior to removal, include measurements from a photoionization detector per, Env-Or 406.12(g) and Env-Or 408.03(e).

Immediately conduct applicable notification and response actions required of Env-Or 600 if a release has occurred.

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 the primary overfill prevention device testing has not been conducted pursuant to env-or 406.11(a).

Please conduct triennial primary overfill device testing, per Env-Or 406.11, and submit passing 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 as specified in Env-Or 406.11(d) through (h).

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 the triennial primary containment tightness testing has not been conducted.

Please conduct triennial tightness testing of the primary containment system, per Env-Or 406.17(b), and submit the passing test results to DES that meet the requirements of Env-Or 406.17(e).

If 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 7 days; or temporarily close the system within 7 days of the initial failure and permanently close the system within 30 days of the test failure in accordance with Env-Or 408.06 through 408.10. As an unusual operating condition, submit a written report to NHDES that describes the investigation and its conclusions, per Env-Or 406.04(e).

Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.01 and Env-Or 408.02 for repair requirements, Env-Or 408.06 through 408.10 for closure requirements, if applicable. Immediately conduct applicable notification and response actions required of Env-Or 600 if a release has occurred.

TANK #5B (Containing GASOLINE with Capacity of 3000 gallons)

Env-Or 503.01 requires that the facility 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. Env-or 405.01(j) requires that all UST systems be equipped with a submerged fill tube installed with a clearance of at least 4 but less than 6 inches between the bottom of the tank and the point at which the regulated substance can first exit the submerged fill tube.

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

Please install a new drop tube with the highest exit point 4 to 6 inches above the bottom of the tank or verify the drop tube is installed in accordance with Env-Or 405.01(j) and submit documentation of the installation (including measurements and photographs) to DES.

Env-Or 405.05 and 406.01 require spill containment devices be installed and maintained in good working order on all UST systems.

The DES inspector has determined the fill spill containment was not maintained in good working order.

Please 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 and submit maintenance or installation results to DES. In the case of a spill containment device replacement, please submit tightness test results for the new device and a summary of closure activity in accordance with Env-Or 406.12 and Env-Or 408.03(g).

For closure of a spill containment device, please submit a summary of closure activity. If contamination is observed or if the integrity of the device is not verified prior to removal, include measurements from a photoionization detector per, Env-Or 406.12(g) and Env-Or 408.03(e).

Env-Or 405.06 and Env-Or 406.01 require overfill protection devices be installed and maintained in good working order on all UST systems. Env-Or 405.06(f) requires each overfill protection device to be accessible for inspection of proper operation.

The DES inspector could not verify the overfill protection device was installed at the required 95% shut off level per Env-Or 405.06(c).

Please submit documentation, including measurements and photographs, to DES that verifies overfill protection installation at the 90 percent alert or the 95 percent shut off level and overfill protection test results, as required by Env-Or 406.11. Any repaired or replaced overfill prevention device shall be immediately tested and reported as specified in Env-Or 406.11(d) through (h).

Env-Or 406.13 requires the owner to conduct annual leak monitoring system testing for proper operation and submit test results to DES no later than 30 days after the date of the test.

The DES inspector has determined the tank leak monitoring equipment was not tested annually for proper operation.

Please conduct annual leak monitor testing and submit passing test results to DES that meet the requirements of Env-Or 406.13(e) through (g).

If it is determined that the leak monitoring system is malfunctioning, Env-Or 406.02(c) requires the owner to repair the system and clear and reset any alarm condition to normal operating mode within 15 working days, or place the affected system(s) into temporary closure until satisfactory repairs are made.

Finally, if the leak monitor indicates a possible leak, the owner shall investigate the cause of the indication to determine if a leak has occurred, in accordance with Env-Or 406.04.

Env-Or 406.13 requires the owner to conduct annual leak monitoring system testing for proper operation and submit test results to DES no later than 30 days after the date of the test.

The DES inspector has determined the annual test documentation was not available for the tank leak monitoring equipment.

Please submit passing test results to DES that meet the requirements of Env-Or 406.13(e) through (g).

Env-Or 405.08 and Env-Or 406.02 require leak monitoring of tank systems to be installed and in good working order to continuously perform their original design function. Env-Or 406.02 requires the interstitial or annular space for tanks to be free of debris and water.

The DES inspector could not verify the leak monitoring for the tank system listed was continuously performing.

Please conduct maintenance to the leak monitoring system and submit passing leak monitoring test results to DES that meet the requirements of Env-Or 406.13(e) through (g). Please provide a description of maintenance in the comments section of the leak monitoring test report.

If it is determined that the leak monitoring system is malfunctioning, Env-Or 406.02(c) requires the owner to repair the system and clear and reset any alarm condition to normal operating mode within 15 working days, or place the affected system(s) into temporary closure in accordance with Env-Or 408.04 until satisfactory repairs are made.

Finally, if the leak monitor indicates a possible leak, the owner shall investigate the cause of the indication to determine if a leak has occurred, in accordance with Env-Or 406.04.

Env-Or 406.13 requires the owner to conduct annual leak monitoring system testing for proper operation and submit test results to DES no later than 30 days after the date of the test.

The DES inspector has determined the piping leak monitoring equipment was not tested annually for proper operation.

Please conduct annual leak monitor testing and submit passing test results to DES that meet the requirements of Env-Or 406.13(e) through (g).

If it is determined that the leak monitoring system is malfunctioning, Env-Or 406.02(c) requires the owner to repair the system and clear and reset any alarm condition to normal operating mode within 15 working days, or place the affected system(s) into temporary closure until satisfactory repairs are made.

Finally, if the leak monitor indicates a possible leak, the owner shall investigate the cause of the indication to determine if a leak has occurred, in accordance with Env-Or 406.04.

Env-Or 406.13 requires the owner to conduct annual leak monitoring system testing for proper operation and submit test results to DES no later than 30 days after the date of the test.

The DES inspector has determined the annual test documentation was not available for the piping leak monitoring equipment.

Please submit passing test results to DES that meet the requirements of Env-Or 406.13(e) through (g).

Env-Or 405.09 and Env-Or 406.02 require leak monitoring of tank systems to be installed and in good working order to continuously perform their original design function. Env-Or 405.04, Env-Or 406.01 and Env-Or 406.02 require secondary containment for UST piping systems that is in good working order to perform their original design function, liquid tight and maintained free of liquid and debris.

The DES inspector could not verify the leak monitoring for the piping was continuously performing.

Please conduct maintenance to the leak monitoring system and submit passing leak monitoring test results to DES that meet the requirements of Env-Or 406.13(e) through (g). Please provide a description of maintenance in the comments section of the leak monitoring test report.

If it is determined that the leak monitoring system is malfunctioning, Env-Or 406.02(c) requires the owner to repair the system and clear and reset any alarm condition to normal operating mode within 15 working days, or place the affected system(s) into temporary closure in accordance with Env-Or 408.04 until satisfactory repairs are made.

Finally, if the leak monitor indicates a possible leak, the owner shall investigate the cause of the indication to determine if a leak has occurred, in accordance with Env-Or 406.04.

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 the fill spill containment integrity testing has not been conducted.

Please conduct triennial tightness testing of the spill containment, per Env-Or 406.12, and submit the passing test results to DES.

Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.03 for repair requirements, Env-Or 406.12(g) for closure requirements, if applicable. For closure of a spill containment device, please submit a summary of closure activity. If contamination is observed or if the integrity of the device is not verified prior to removal, include measurements from a photoionization detector per, Env-Or 406.12(g) and Env-Or 408.03(e). Immediately conduct applicable notification and response actions required of Env-Or 600 if a release has occurred.

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 the primary overfill prevention device testing has not been conducted pursuant to env-or 406.11(a).

Please conduct triennial primary overfill device testing, per Env-Or 406.11, and submit passing 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 as specified in Env-Or 406.11(d) through (h).

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 the triennial primary containment tightness testing has not been conducted.

Please conduct triennial tightness testing of the primary containment system, per Env-Or 406.17(b), and submit the passing test results to DES that meet the requirements of Env-Or 406.17(e).

If 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 7 days; or temporarily close the system within 7 days of the initial failure and permanently close the system within 30 days of the test failure in accordance with Env-Or 408.06 through 408.10. As an unusual operating condition, submit a written report to NHDES that describes the investigation and its conclusions, per Env-Or 406.04(e).

Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.01 and Env-Or 408.02 for repair requirements, Env-Or 408.06 through 408.10 for closure requirements, if applicable. Immediately conduct applicable notification and response actions required of Env-Or 600 if a release has occurred.

TANK #5C (Containing GASOLINE with Capacity of 2000 gallons)

Env-Or 503.01 requires that the facility 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. Env-or 405.01(j) requires that all UST systems be equipped with a submerged fill tube installed with a clearance of at least 4 but less than 6 inches between the bottom of the tank and the point at which the regulated substance can first exit the submerged fill tube.

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

Please install a new drop tube with the highest exit point 4 to 6 inches above the bottom of the tank or verify the drop tube is installed in accordance with Env-Or 405.01(j) and submit documentation of the installation (including measurements and photographs) to DES.

Env-Or 405.05 and 406.01 require spill containment devices be installed and maintained in good working order on all UST systems.

The DES inspector has determined the fill spill containment was not maintained in good working order.

Please 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 and submit maintenance or installation results to DES. In the case of a spill containment device replacement, please submit tightness test results for the new device and a summary of closure activity in accordance with Env-Or 406.12 and Env-Or 408.03(g).

For closure of a spill containment device, please submit a summary of closure activity. If contamination is observed or if the integrity of the device is not verified prior to removal, include measurements from a photoionization detector per, Env-Or 406.12(g) and Env-Or 408.03(e).

Env-Or 405.06 and Env-Or 406.01 require overfill protection devices be installed and maintained in good working order on all UST systems. Env-Or 405.06(f) requires each overfill protection device to be accessible for inspection of proper operation.

The DES inspector could not verify the overfill protection device was installed at the required 95% shut off level per Env-Or 405.06(c).

Please submit documentation, including measurements and photographs, to DES that verifies overfill protection installation at the 90 percent alert or the 95 percent shut off level and overfill protection test results, as required by Env-Or 406.11. Any repaired or replaced overfill prevention device shall be immediately tested and reported as specified in Env-Or 406.11(d) through (h).

Env-Or 406.13 requires the owner to conduct annual leak monitoring system testing for proper operation and submit test results to DES no later than 30 days after the date of the test.

The DES inspector has determined the tank leak monitoring equipment was not tested annually for proper operation.

Please conduct annual leak monitor testing and submit passing test results to DES that meet the requirements of Env-Or 406.13(e) through (g).

If it is determined that the leak monitoring system is malfunctioning, Env-Or 406.02(c) requires the owner to repair the system and clear and reset any alarm condition to normal operating mode within 15 working days, or place the affected system(s) into temporary closure until satisfactory repairs are made.

Finally, if the leak monitor indicates a possible leak, the owner shall investigate the cause of the indication to determine if a leak has occurred, in accordance with Env-Or 406.04.

Env-Or 406.13 requires the owner to conduct annual leak monitoring system testing for proper operation and submit test results to DES no later than 30 days after the date of the test.

The DES inspector has determined the annual test documentation was not available for the tank leak monitoring equipment.

Please submit passing test results to DES that meet the requirements of Env-Or 406.13(e) through (g).

Env-Or 405.08 and Env-Or 406.02 require leak monitoring of tank systems to be installed and in good working order to continuously perform their original design function. Env-Or 406.02 requires the interstitial or annular space for tanks to be free of debris and water.

The DES inspector could not verify the leak monitoring for the tank system listed was continuously performing.

Please conduct maintenance to the leak monitoring system and submit passing leak monitoring test results to DES that meet the requirements of Env-Or 406.13(e) through (g). Please provide a description of maintenance in the comments section of the leak monitoring test report.

If it is determined that the leak monitoring system is malfunctioning, Env-Or 406.02(c) requires the owner to repair the system and clear and reset any alarm condition to normal operating mode within 15 working days, or place the affected system(s) into temporary closure in accordance with Env-Or 408.04 until satisfactory repairs are made.

Finally, if the leak monitor indicates a possible leak, the owner shall investigate the cause of the indication to determine if a leak has occurred, in accordance with Env-Or 406.04.

Env-Or 406.13 requires the owner to conduct annual leak monitoring system testing for proper operation and submit test results to DES no later than 30 days after the date of the test.

The DES inspector has determined the piping leak monitoring equipment was not tested annually for proper operation.

Please conduct annual leak monitor testing and submit passing test results to DES that meet the requirements of Env-Or 406.13(e) through (g).

If it is determined that the leak monitoring system is malfunctioning, Env-Or 406.02(c) requires the owner to repair the system and clear and reset any alarm condition to normal operating mode within 15 working days, or place the affected system(s) into temporary closure until satisfactory repairs are made.

Finally, if the leak monitor indicates a possible leak, the owner shall investigate the cause of the indication to determine if a leak has occurred, in accordance with Env-Or 406.04.

Env-Or 406.13 requires the owner to conduct annual leak monitoring system testing for proper operation and submit test results to DES no later than 30 days after the date of the test.

The DES inspector has determined the annual test documentation was not available for the piping leak monitoring equipment.

Please submit passing test results to DES that meet the requirements of Env-Or 406.13(e) through (g).

Env-Or 405.09 and Env-Or 406.02 require leak monitoring of tank systems to be installed and in good working order to continuously perform their original design function. Env-Or 405.04, Env-Or 406.01 and Env-Or 406.02 require secondary containment for UST piping systems that is in good working order to perform their original design function, liquid tight and maintained free of liquid and debris.

The DES inspector could not verify the leak monitoring for the piping was continuously performing.

Please conduct maintenance to the leak monitoring system and submit passing leak monitoring test results to DES that meet the requirements of Env-Or 406.13(e) through (g). Please provide a description of maintenance in the comments section of the leak monitoring test report.

If it is determined that the leak monitoring system is malfunctioning, Env-Or 406.02(c) requires the owner to repair the system and clear and reset any alarm condition to normal operating mode within 15 working days, or place the affected system(s) into temporary closure in accordance with Env-Or 408.04 until satisfactory repairs are made.

Finally, if the leak monitor indicates a possible leak, the owner shall investigate the cause of the indication to determine if a leak has occurred, in accordance with Env-Or 406.04.

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 the fill spill containment integrity testing has not been conducted.

Please conduct triennial tightness testing of the spill containment, per Env-Or 406.12, and submit the passing test results to DES.

Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.03 for repair requirements, Env-Or 406.12(g) for closure requirements, if applicable. For closure of a spill containment device, please submit a summary of closure activity. If contamination is observed or if the integrity of the device is not verified prior to removal, include measurements from a photoionization detector per, Env-Or 406.12(g) and Env-Or 408.03(e).

Immediately conduct applicable notification and response actions required of Env-Or 600 if a release has occurred.

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 the primary overfill prevention device testing has not been conducted pursuant to env-or 406.11(a).

Please conduct triennial primary overfill device testing, per Env-Or 406.11, and submit passing 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 as specified in Env-Or 406.11(d) through (h).

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 the triennial primary containment tightness testing has not been conducted.

Please conduct triennial tightness testing of the primary containment system, per Env-Or 406.17(b), and submit the passing test results to DES that meet the requirements of Env-Or 406.17(e).

If 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 7 days; or temporarily close the system within 7 days of the initial failure and permanently close the system within 30 days of the test failure in accordance with Env-Or 408.06 through 408.10. As an unusual operating condition, submit a written report to NHDES that describes the investigation and its conclusions, per Env-Or 406.04(e).

Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.01 and Env-Or 408.02 for repair requirements, Env-Or 408.06 through 408.10 for closure requirements, if applicable. Immediately conduct applicable notification and response actions required of Env-Or 600 if a release has occurred.

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,



9/4/2020

STEVE SCOTTON, Inspector

Date

9/4/2020

ROBERT L DEFELICE, Facility Manager

Date

Important Dates

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	5A, 5B, 5C	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	5A, 5B, 5C	No previous test - Test Immediately	Every 3 years OR monthly interstice monitoring
Overfill Testing	5A, 5B, 5C	Past Due	Every 3 years
Primary Containment System Tightness Test	5A, 5B, 5C	Past Due	Every 3 years
Operator Monthly Checklist			Monthly
ROBERT DEFELICE - A Operator Training		Past Due	Every 2 years
ROBERT DEFELICE - B Operator Training		Past Due	Every 2 years