



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

November 10, 2020

BY CERTIFIED MAIL # 7007 2560 0001 3866 8335

BY EMAIL AT: JCUEVAS581@HOTMAIL.COM

**NOTICE OF
INTENT TO RED TAG
IRT #20-005**

Jeffrey Cuevas
1260 PLR, LLC
1260 Province Lake Road
East Wakefield, NH 03830

**LETTER OF DEFICIENCY
WMD LOD #20-039**

Subject Site/Facility: Wakefield – Seven Lakes Provisions, 1260 Province Lake Rd
NHDES Site #199608010, UST Facility #0113050

Reference: Intent to Red Tag IRT #20-005
Letter of Deficiency WMD LOD #20-039

Dear Mr. Cuevas:

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, #6 and #7 as described below within 10 days of this letter, the non-compliant UST systems will be subject to be red-tagged by NHDES.

Additionally, because the facility is not in compliance with RSA 146-C, it is not eligible for reimbursement of cleanup costs incurred should a spill or release occur at your facility.

On July 3, 2019, NHDES staff conducted a compliance inspection of the UST facility at the subject site (July 2019 Inspection). 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). By inspection report dated July 3, 2019, 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.

NHDES has not received documentation addressing all of the deficiencies identified in the inspection report. **Therefore, pursuant to RSA 146-C:15, NHDES hereby notifies you of its intent to red-tag the non-compliant UST systems for deficiencies #1, #2, #3, #4, #5, #6 and #7.**

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. A copy of the new regulations can be found online at the website listed below.

<https://www.des.nh.gov/organization/divisions/waste/orcb/ocs/ustp/index.htm>

www.des.nh.gov

PO Box 95, 29 Hazen Drive, Concord, NH 03302-0095

Telephone: (603) 271-3899 Fax: (603) 271-2181 TDD Access: Relay NH 1-800-735-2964

The deficiencies for all tanks are listed below.

Deficiency #1: Failure to provide drop tube replacement records.

During the July 2019 Inspection, the NHDES inspector could not verify the highest exit point of the drop tubes for tanks #3A and #3B were installed within 4 to 6 inches from the bottom of the tanks.

Env-Or 405.01(j) requires all UST systems to 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.

To correct this deficiency, install a new drop tubes with the highest exit point 4 to 6 inches above the bottom of the tanks or verify the drop tubes are installed in accordance with Env-Or 405.01(j) and submit documentation of the installation (including measurements and photographs) to NHDES.

Deficiency #2: Failure to provide overfill protection installation at the 90 percent alert or 95 percent shut off level.

During the July 2019 Inspection, the NHDES inspector could not verify the overfill protection devices for tanks #3A and #3B were installed at the required 90% alert or 95% shut off level.

Env-Or 405.06(c) requires the primary overfill protection device alert the transfer operator when the tank is no more than 90 percent full or automatically and completely shut off flow into the tank when the tank is no more than 95 percent full.

To correct this deficiency, submit documentation, including measurements and photographs, to NHDES that verifies overfill protection installation at the 90 percent alert or the 95 percent shut off level and overfill protection test results.

Any repaired or replaced overfill prevention device shall be immediately tested and reported as specified in Env-Or 406.11(d) through (h).

Deficiency #3: Failure to clear and reset any alarm condition to normal operating mode within 15 days.

During the July 2019 Inspection, the NHDES inspector determined the leak monitor for tanks #3A and #3B was in alarm condition. NHDES received passing leak monitor test results on July 19, 2020. Based on a file review of NHDES records, maintenance documentation has not been received.

Env-Or 406.02(c) states "if a leak monitoring system malfunctions, the owner shall repair the system and clear and reset any alarm condition normal operating mode within 15 working days. If the system cannot be repaired and the alarm condition cleared and reset to normal operating mode within 15 days, the affected UST system shall be temporarily closed until satisfactory repairs are made."

To correct this deficiency, submit a description of maintenance conducted to repair or replace the leak monitoring system and provide written confirmation to NHDES that the leak monitoring system has been reset to normal operating mode.

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.

Deficiency #4: Failure to investigate the source of liquid, determine if a release occurred and submit a written report to NHDES within 7 days.

During the July 2019 Inspection, the NHDES inspector determined tanks #3A and #3B have liquid in the interstitial space.

Env-Or 406.02(a)(2) requires the UST system owner to maintain the interstitial space for both tanks and piping to be free of debris and water.

To correct this deficiency, remove the liquid, investigate the source of liquid, determine if a release has occurred by conducting a tightness test on the interstitial space of the tank. 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.

Deficiency #5: Failure to properly install leak monitoring.

During the July 2019 Inspection, the NHDES inspector 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.

Env-Or 406.02(d)(2) requires each leak monitoring system to be located where the audible alarm and visual indicator can be readily heard and seen by the operator or other personnel during normal working hours.

To correct this deficiency, set monitor console in a location that can be seen and heard by the facility's operator or personnel during normal working times and submit documentation to NHDES showing that the leak monitoring console has been relocated.

Deficiency #6: Failure to conduct and submit passing spill containment tightness test results.

During the July 2019 Inspection and based on a subsequent review of NHDES records, the triennial tightness test for spill containment equipment for tanks #3A and #3B has not been conducted.

Env-Or 406.12(a) requires all spill containment equipment without secondary containment and leak monitoring be tested for tightness as specified in Env-Or 406.05 through Env-Or 406.08 no later than December 22, 2017, and triennially thereafter.

To correct this deficiency, 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.

Deficiency #7: Failure to conduct and submit passing primary containment system tightness test results.

During the July 2019 inspection and based on a subsequent review of NHDES records, the triennial primary containment system test for tightness for tanks #3A and #3B has not been performed.

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

If tightness test fails, please notify NHDES 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.

As noted above, NHDES will red-tag the non-compliant UST system(s) if deficiencies #1, #2, #3, #4, #5, #6 and #7 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, this letter serves as a Letter of Deficiency for deficiencies #8, #9, #10, #11, #12, #13, #14 and #15.

Deficiency #8: Failure to designate class A and B operator(s).

During the July 2019 Inspection, NHDES inspector could verify a Class A and B operator Statement of Training form meeting the requirements of RSA 146-C:17, II was submitted to NHDES.

RSA 146-C:17, I prohibits anyone from operating an UST facility without designated class A, B, and C operators. RSA 146-C:17, II requires owners to submit to NHDES for each UST facility, a Statement of Training form signed by both the owner and the designated operators identifying the designated class A and B operators, the name of the approved training program by which they are trained, the date that they were certified by the approved training program, and the expiration date regarding their certification.

To correct this deficiency, submit a Statement of Training form (enclosed) designating certified class A and B operators for the subject site.

Deficiency #9: Failure to conduct monthly visual inspections.

During the July 2019 Inspection, the NHDES inspector determined that monthly inspections have not been consistently or comprehensively conducted.

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.

To correct this deficiency, conduct and record monthly visual inspections and submit a copy of the most recent inspection report to NHDES.

Deficiency #10: Failure to post UST facility Operator Response Guidelines.

During the July 2019 Inspection, the NHDES inspector could not verify Operator Response Guidelines meeting the requirements of RSA 146-C:17, III and RSA 146-C:19, was posted.

RSA 146-C:17, III requires an UST operator response guidelines be posted at the facility that meet the requirements of RSA 146:19, I.

To correct this deficiency, post Operator Response Guidelines for the UST facility 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 NHDES in writing when complete.

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

During the July 2019 Inspection, the NHDES inspector could not verify a current listing of Class C operator(s) was posted.

RSA 146-C:17, IV requires owners to post, and revise when changes occur, a listing of class C operators assigned to the facility that includes the latest date of training, expiration date of their certification, and identification of the approved training program or name of certified class A or B operator that trained each class C operator.

To correct this deficiency, post a current listing of class C operators, submit a copy of the class C list to DES and notify NHDES in writing that the listing has been posted.

Deficiency #12: Failure to post UST certificate.

During the July 2019 Inspection, the NHDES inspector could not verify the UST tank certificate was posted.

Env-Or 405.01(g) requires a tank certificate be permanently affixed on the facility premise and visible to a NHDES inspector during a routine inspection.

To correct this deficiency, post the UST tank certificate on the facility premises and notify NHDES in writing that the UST tank certificate has been posted.

Deficiency #13: Failure to post a permit to operate.

Based on the review of NHDES records, the current facility owner does not have a permit to operate.

Env-Or 404.06 prohibits anyone from operating a 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.

To correct this deficiency, carry out all corrective actions and submit documentation to NHDES showing the deficiencies have been corrected. Once all deficiencies have been corrected, a new permit-to-operate will be issued to the current owner.

Upon receipt of a new permit to operate, please post the permit on-site in a visible location, with the recommendation of posting it next to the monitoring system for the tanks and notify NHDES that the permit has been posted.

Deficiency #14: Failure to obtain a permit to operate for the current UST facility owner.

During the July 2019 Inspection, the NHDES inspector determined the permit to operate was not posted.

Env-Or 404.08(a), as required by RSA 146-C:4, II, requires a permit issued shall be displayed on the premises of the UST facility at all times, permanently affixed on the premises in a location that is visible to a NHDES inspector.

To correct this deficiency, permanently post the current facility owner's permit in a location that is visible to a NHDES inspector during a routine inspection and notify NHDES in writing that the permit has been posted.

If you are unable to locate your permit, a replacement permit can be submitted to you upon request.

Deficiency #15: Failure to report changes in information on the UST Registration form.

During the July 2019 and based on the review of NHDES records, the UST registration form on file lists the facility and property owner as L & B Holdings, LLC; whereas, the New Hampshire Department of Revenue Administration lists the facility owner and property owner as 1260 PLC, LLC.

Env-Or 404.01(d), as required by RSA 146-C:3, III, requires the owner of a registered UST facility to submit in writing to NHDES and change in the information required by RSA 146-C:3, I or II within 10 days of the change.

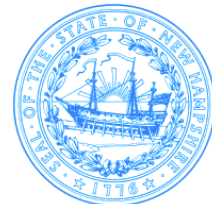
To correct this deficiency, submit an updated UST registration form to NHDES with all current UST system, owner and contact information or notify NHDES in writing that the current UST registration is accurate.

NHDES believes you can correct deficiencies #9, #10, #11, #12, #13 and #14 as noted in this letter within **30 days** and deficiencies #8 and #15 as noted in this letter within **10 days**.

As a friendly reminder the review of NHDES records also noted that the annual leak monitoring equipment testing was last conducted on July 11, 2019. It may be that you have already conducted the testing for this year but that we have not received the report yet because Env-Or 406.13(d) allows owners up to 30 days to submit test report to NHDES. If you have already performed the testing and are in the process of submitting the test report thank you. If you have not already conducted the testing, please do so immediately and submit the leak monitoring testing results to NHDES within 30 days after the test is performed. Please note that a failed leak monitoring test is an unusual operating condition and Env-Or 406.04 requires owners to report unusual operating conditions to NHDES within 24 hours.



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.

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 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

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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.

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 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.

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 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 B OPERATOR RETRAINED AND RECERTIFIED IN ACCORDANCE WITH RSA 146-C:21 OR A REPLACEMENT CLASS B OPERATOR SHALL BE

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.

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.

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