



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



12/15/2020

SATISH PATEL
425 LAKE AVE INC
425 LAKE AVE
MANCHESTER, NH 03103-

Subject Site: MANCHESTER, LAKE FOOD MART, 425 LAKE AVE
DES Site # 200507041, UST Facility # 0115700

Reference: Underground Storage Tank Facility Inspection Report

On December 15, 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: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 determined monthly visual inspections have not been consistently conducted.

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. 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 a current listing of class C operator(s) is not posted per RSA 146-C:17, IV.

The above issue was resolved during the on-site inspection. No additional documentation is needed for this specific issue.

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

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 Operator Response Guidelines meeting the requirements of RSA 146-C:17, III and RSA 146-C:19, I are not posted.

The above issue was resolved during the on-site inspection. No additional documentation is needed for this specific issue.

TANK #1 (Containing REGULAR MASTER with Capacity of 15000 gallons)

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 90% 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 to DES. Per Env-Or 406.03(c), no transfer of regulated substances shall be made to a UST system that is not equipped with overfill protection devices as required by Env-Or 405.06.

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 406.09 requires automatic line leak detectors to be tested annually in accordance with the manufacturer's requirements to confirm that they are operating in accordance with their designed functions and requires the facility owner to submit test results to DES no later than 30 days after the date of the test.

The DES inspector has determined the line leak detector was not tested annually for proper operation.

Please conduct annual line leak detection testing and submit passing test results to DES that meet the requirements of Env-Or 406.09(b) and (c).

If it is determined that the line leak detection system is malfunctioning, Env-Or 406.09(f) requires the owner to remove the affected piping system(s) from service until the line leak detector is repaired or replaced and passes the line leak detector test.

Finally, if the line leak detection system 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 406.12 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 406.17 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 406.07.

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 DES 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 #2A (Containing REGULAR SLAVE with Capacity of 7500 gallons)

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 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 tank leak monitoring sensor was continuously performing.

The above issue was resolved during the on-site inspection. No additional documentation is needed for this specific issue.

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 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 has determined storm water is accumulating in the tank/piping sump.

Please remove the storm water from the tank/piping sump, determine how storm water is getting into the sump, repair or replace the sump and the top seals as necessary to prevent further storm water ingress and submit maintenance documentation to DES.

Please refer to Env-Or 408.03 for repair requirements and Env-Or 408.06 through 408.10 for closure requirements, if applicable.

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 406.17 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 406.07.
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 DES 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 #2B (Containing SUPER with Capacity of 7500 gallons)

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 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 tank leak monitoring sensor was continuously performing.

The above issue was resolved during the on-site inspection. No additional documentation is needed for this specific issue.

Env-Or 406.09 requires automatic line leak detectors to be tested annually in accordance with the manufacturer's requirements to confirm that they are operating in accordance with their designed functions and requires the facility owner to submit test results to DES no later than 30 days after the date of the test.

The DES inspector has determined the line leak detector was not tested annually for proper operation.

Please conduct annual line leak detection testing and submit passing test results to DES that meet the requirements of Env-Or 406.09(b) and (c).

If it is determined that the line leak detection system is malfunctioning, Env-Or 406.09(f) requires the owner to remove the affected piping system(s) from service until the line leak detector is repaired or replaced and passes the line leak detector test.

Finally, if the line leak detection system 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 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 has determined storm water is accumulating in the tank/piping sump.

Please remove the storm water from the tank/piping sump, determine how storm water is getting into the sump, repair or replace the sump and the top seals as necessary to prevent further storm water ingress and submit maintenance documentation to DES.

Please refer to Env-Or 408.03 for repair requirements and Env-Or 408.06 through 408.10 for closure requirements, if applicable.

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 406.17 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 406.07.

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 DES 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.

DISPENSER #1-2

Env-Or 405.04 and Env-Or 406.01(a) require dispenser sumps to be installed that are liquid-tight, free of liquid and debris, maintained and provided with continuous leak detection monitoring.

The DES inspector has determined there is evidence of the dispenser piping, meters and/or filter(s) leaking or weeping into the dispenser sump.

Please repair, replace or tighten the dispenser piping, meters and/or filter(s), remove product and/or debris from the dispenser sump and submit maintenance results to DES.

DISPENSER #3-4

Env-Or 405.04 and Env-Or 406.01(a) require dispenser sumps to be installed that are liquid-tight, free of liquid and debris, maintained and provided with continuous leak detection monitoring.

The DES inspector has determined there is evidence of the dispenser piping, meters and/or filter(s) leaking or weeping into the dispenser sump.

Please repair, replace or tighten the dispenser piping, meters and/or filter(s), remove product and/or debris from the dispenser sump and submit maintenance results to DES.

DISPENSER #5-6

Env-Or 405.04 and Env-Or 406.01(a) require dispenser sumps to be installed that are liquid-tight, free of liquid and debris, maintained and provided with continuous leak detection monitoring.

The DES inspector has determined there is evidence of the dispenser piping, meters and/or filter(s) leaking or weeping into the dispenser sump.

Please repair, replace or tighten the dispenser piping, meters and/or filter(s), remove product and/or debris from the dispenser sump and submit maintenance results 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,



12/15/2020

HARDING SCHOFIELD, Inspector

Date

12/15/2020

SATISH PATEL, Facility Manager

Date

Important Dates

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	1, 2A, 2B	Failed - Retest Immediately	Annual
LLD Function Check	1, 2B	Failed - Retest Immediately	Annual
Tank Corrosion Protection Test	N/A	N/A	Every 3 years
Piping Corrosion Protection Test	N/A	N/A	Every 3 years
Fittings Corrosion Protection Test	N/A	N/A	Every 3 years
Spill Bucket Tightness Testing	1, 2A, 2B	Failed - Retest Immediately	Every 3 years OR monthly interstice monitoring
Overfill Testing	1	Failed - Retest Immediately	Every 3 years
Overfill Testing	2A, 2B	12/15/2023	Every 3 years
Primary Containment System Tightness Test	1, 2A, 2B	Failed - Retest Immediately	Every 3 years
Operator Monthly Checklist			Monthly
GEORGE GEKIS - B Operator Training		6/26/2021	Every 2 years
SATISH K. PATEL - A Operator Training			Every 2 years