



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



**Robert R. Scott, Commissioner**

March 17, 2021

**BY CERTIFIED MAIL # 7007 2560 0001 3866 8243**

**BY EMAIL AT: JHOLLAND@CALPLP.COM**

Jeremy Holland, Compliance Manager  
Lehigh Gas Wholesale Services  
600 Hamilton Street, Suite 500  
Allentown, PA 18101

**NOTICE OF  
INTENT TO RED TAG  
IRT #21-001**

**LETTER OF DEFICIENCY  
WMD LOD #21-006**

**Subject Site/Facility:**      **Seabrook – NH0021, 587 Lafayette Road**  
NHDES Site #199106013, UST Facility #0111950

**Reference:**                      **Intent to Red Tag IRT #21-001**  
                                         **Letter of Deficiency WMD LOD #21-006**

Dear Mr. Holland:

**This letter contains important information that affects the continued operation of the subject facility.**

**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 system(s) will be subject to be red-tagged by NHDES.**

**Additionally, the facility is not in compliance with RSA 146-C, and therefore is not eligible for reimbursement of cleanup costs incurred should a spill or release occur.**

On November 13, 2019 and January 5, 2021, NHDES staff conducted compliance inspections of the UST facility at the subject site (November 2019 Inspection and January 2021 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, N.H. Code Admin. Rules Env-Or 400, Underground Storage Tank Facilities (UST Rules), and Env-Or 500, Recovery of Gasoline Vapors (Vapor Recovery Rules). By inspection reports dated November 15, 2019 and January 5, 2021, 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 (tanks #8, #9 and #10) for deficiencies #1, #2, #3, #4, #5, #6 and #7.**

[www.des.nh.gov](http://www.des.nh.gov)

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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 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/sites/g/files/ehbemt341/files/documents/2020-01/Env-Or%20400.pdf>

The deficiencies for all tanks are listed below.

**Deficiency #1: Failure to verify proper drop tube installation.**

During the January 2021 Inspection, the NHDES inspector could not verify the highest exit point of the drop tube is within 4 to 6 inches from the bottom of tanks #8, #9 and #10.

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, 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 NHDES.

**Deficiency #2: Failure to conduct annual testing of leak monitoring equipment.**

During the January 2021 Inspection, the NHDES inspector determined the piping and tank leak monitoring equipment for tanks #8, #9 and #10 were not tested annually for proper operation.

Env-Or 406.13(a) and (d) require owners to test all leak monitoring equipment annually for proper operation and submit test results to NHDES within 30 days of the date of the test.

To correct this deficiency, conduct annual leak monitor testing and submit passing test results to NHDES 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.

**Deficiency #3: Failure to conduct annual testing of the line leak detection system.**

During the January 2021 Inspection, the NHDES inspector determined the line leak detection system for tanks #8 and #10 was not tested annually for proper operation.

Env-Or 406.09(a) requires automatic line leak detectors be tested annually in accordance with the manufacturer's requirements to confirm they are operating in accordance with their designed function.

To correct this deficiency, conduct annual line leak detection testing and submit passing test results to NHDES 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.

**Deficiency #4: Failure to conduct and submit passing primary containment system tightness test results.**

During the January 2021 Inspection, the NHDES inspector determined the triennial primary containment tightness testing has not been conducted for tanks #8, #9 and #10.

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 406.07.

If primary containment testing fails, as an unusual operating condition, notify NHDES per Env-Or 406.04. The owner shall investigate the cause of the unusual operating condition within 24 hours of becoming aware of the condition, implement measures to prevent or minimize a release, eliminate a leak, or otherwise correct the deficiency, and submit a written report to NHDES within 7 days that describes the investigation and its conclusions, per Env-Or 406.04(e).

**Deficiency #5: Failure to provide access to verify proper operation of overfill protection.**

During the January 2021 Inspection, the NHDES inspector could not verify the overfill protection for tanks #8, #9 and #10 was installed at the required 90% alert or 95% shut off level per Env-Or 405.06(c).

Env-Or 405.06(f) requires each overfill protection device to be accessible for inspection of proper operation. 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 to NHDES.

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.

**Deficiency #6: Failure to verify spill containment equipment in good working order.**

During the January 2021 Inspection, the NHDES inspector could not verify the fill spill containment was maintained in good working order for tanks #8, #9 and #10.

Env-Or 406.01(b) requires spill containment equipment to be maintained free of liquid and debris, in good working order to perform its original design function, and liquid tight at its sides and bottom.

To correct this deficiency, submit written notification that the spill containment device is in good working order. If the spill containment device is not in good working order, repair or replace the spill containment in accordance with Env-Or 408.03 and submit maintenance documentation to NHDES.

**Deficiency #7: Failure to investigate cause of spill bucket tightness test failure, determine if the UST system is leaking and repair/replace the spill containment device.**

During the January 2021 Inspection, the NHDES inspector determined the fill spill containment for tank #8 failed a tightness test.

Env-Or 406.08(i) requires the owner upon being notified of spill containment tightness test failure to: (1) investigate the cause of the failure and determine if the system has leaked and (2) either repair or replace the spill containment in accordance with Env-Or 408.03; or temporarily close the UST system in accordance with Env-Or 408.04.

To correct this deficiency, remove liquid (if present), investigate the cause of the failure, determine if the system has leaked and either repair or replace the spill containment device or temporarily close the UST system. Within 30 days of the closure of the failed spill containment device, the owner shall submit a summary of closure activity, including, but not limited to, measurements from a photoionization detector and the tightness test results from the newly installed spill bucket, per Env-Or 406.12(g).

**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 and #13.

**Deficiency #8: Failure to conduct monthly visual inspections.**

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

RSA 146-C:19, II requires monthly visual inspections meeting certain minimum requirements to be conducted at all UST facilities by or under the direction of the class A or B operator. The results must be recorded in a monthly inspection. Deficiencies discovered during the inspection must be recorded, repaired or otherwise resolved within 30 days.

To correct this deficiency, conduct and record monthly visual inspections in accordance with RSA 146-C:19, II and submit a copy of the most recent inspection report to NHDES.

**Deficiency #9: Failure to maintain the facility in significant operational compliance.**

During the November 2019 Inspection, the NHDES inspector determined the facility is not in significant operational compliance with the release prevention and release detection measures of the UST Rules, or other requirements of RSA 146-C.

RSA 146-C:21 states that if NHDES determines that a facility is not in significant operational compliance with the release prevention and release detection measures of RSA 146-C, Env-Or 400 and Env-Or 500, if applicable, then NHDES shall direct the responsible Class A or B operator be retrained and recertified in accordance with an approved training program, within 30 days or within such other time as NHDES specifies.

To correct this deficiency, have the current class A and B operator retrained and recertified in accordance with RSA 146-C:21; or designate a replacement class A and B operator by submitting a Statement of Training form to NHDES.

**Deficiency #10: Failure to verify the UST facility Operator Response Guidelines are posted.**

During the November 2019 Inspection, the NHDES inspector could not verify Operator Response Guidelines was posted.

RSA 146-C:17, III and RSA 146-C:19, I require all owners to post Operator Response Guidelines at each facility which include spill reporting procedures, contact phone numbers, malfunctioning equipment lock-out/tag-out and notification procedures and initial mitigation protocol for emergencies.

To correct this deficiency, post Operator Response Guidelines at the UST facility, as required by RSA 146-C:19, and notify NHDES in writing when complete.

**Deficiency #11: Failure to verify the UST tank certificate is posted.**

During the 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 #12: Failure to verify the listing of class C operators is posted.**

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

RSA 146-C:17, I prohibits operation of a UST facility without designated class C operators. RSA 146-C:17, IV requires owners to post a listing of the assigned class C operators at each facility and update the listing when changes occur.

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

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

During the November 2019 inspection, the NHDES inspector determined the permit was not posted.

Env-Or 404.08(a), as required by RSA 146-C:4, II, requires a permit operate to be displayed on the premises of the UST facility at all times 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 provided to you upon request.

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

The Commissioner of NHDES is authorized by RSA 146-C:10-a to impose administrative fines up to \$2,000 per offense for any violation of RSA 146-C or Env-Or 400. NHDES also has authority to issue an administrative order to require you to correct the deficiencies and to refer the case to the NH Department of Justice for civil penalties and/or criminal prosecution.

Please contact the undersigned in the Waste Management Division of NHDES as soon as the above deficiencies are corrected, or if you already have corrected them. Please also contact the undersigned if you have any questions regarding this letter.

Sincerely,



Matthew A. Jones, Compliance & Enforcement Subsection Chief  
Oil Compliance Section  
Tel. No. (603) 271-2986  
Email: [Matthew.Jones@des.nh.gov](mailto:Matthew.Jones@des.nh.gov)

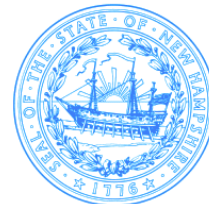
Enclosures: November 15, 2019 UST Facility Inspection Report  
January 5, 2021 UST Facility Inspection Report  
Annual Leak Monitoring Test Form  
Annual Line Leak Detector Test Form  
UST Operator's Monthly Visual Inspection Checklist  
Statement of Training  
Triennial Overfill Prevention Device Testing Form  
Triennial Spill Containment Integrity Test Form  
RSA 146-C:14, 15, & 16: Delivery Prohibition

cc: NHDES Legal Unit  
Christopher Constant, Leemilt's Petroleum, Inc., 2 Jericho Plaza, Suite 110,  
Jericho, NY 11753-1687  
ec: Seabrook Health Officer  
NHDES IRT List



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

**Robert R. Scott, Commissioner**



1/5/2021

JEREMY HOLLAND  
NHLG-UST I LLC C/O CROSS AMERICA PARTNERS  
600 HAMILTON ST STE 500  
ALLENTOWN, PA 18101-

**Subject Site: SEABROOK, NH0021, 587 LAFAYETTE RD**  
DES Site # 199106013, UST Facility # 0111950

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

On January 13, 2021 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:**

**TANK #8 (Containing GASOLINE with Capacity of 10000 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 could not verify the fill spill containment was maintained in good working order.

***Please submit written notification that the spill containment device is in good working order; repair or replace the spill containment in accordance with Env-Or 408.03; or temporarily close the***

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TDD Access: Relay NH 1-800-735-2964

***UST system, per Env-Or 408.04 and submit maintenance 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 was installed at the required 90% alert or 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. 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 406.13 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 406.09 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 406.09 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 annual test documentation was not available for the line leak detector.

***Please submit passing test results to DES that meet the requirements of Env-Or 406.09(b) and (c).***

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 failed a tightness test, a reportable unusual operating condition, per Env-Or 406.04.

***Please remove liquid (if present), investigate the cause of the failure, determine if the system has leaked and implement prevent or eliminate a release; and either repair or replace the spill containment or temporarily close the UST system within 30 days of the initial failure. As an unusual operating condition, submit a written report to NHDES that describes the investigation and its conclusions, per Env-Or 406.04(e).***

***For closure of a spill containment device, please also submit a summary of closure activity which includes measurements from a photoionization detector, per Env-Or 406.12(g).***

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 system test failed.

***Please investigate the cause of the test failure within 24 hours, implement measures to prevent or minimize a release, eliminate the leak, or otherwise correct the deficiency and determine if a release has occurred. As an unusual operating condition, submit a written report to NHDES that describes the investigation and its conclusions within 7 days, 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.***

***If it is determined a release has occurred, please also immediately conduct the response action requirements of Env-Or 600.***

#### **TANK #9 (Containing GASOLINE with Capacity of 8000 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 could not verify the fill spill containment was maintained in good working order.

***Please submit written notification that the spill containment device is in good working order; 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 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 was installed at the required 90% alert or 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. 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 406.13 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 406.17 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 system test failed.

***Please investigate the cause of the test failure within 24 hours, implement measures to prevent or minimize a release, eliminate the leak, or otherwise correct the deficiency and determine if a release has occurred. As an unusual operating condition, submit a written report to NHDES that describes the investigation and its conclusions within 7 days, 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.***  
***If it is determined a release has occurred, please also immediately conduct the response action requirements of Env-Or 600.***

#### **TANK #10 (Containing GASOLINE with Capacity of 6000 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 could not verify the fill spill containment was maintained in good working order.

***Please submit written notification that the spill containment device is in good working order; 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 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 was installed at the required 90% alert or 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. 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 406.13 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 406.09 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 406.09 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 annual test documentation was not available for the line leak detector.

***Please submit passing test results to DES that meet the requirements of Env-Or 406.09(b) and (c).***

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 406.17 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 system test failed.

***Please investigate the cause of the test failure within 24 hours, implement measures to prevent or minimize a release, eliminate the leak, or otherwise correct the deficiency and determine if a release has occurred. As an unusual operating condition, submit a written report to NHDES that describes the investigation and its conclusions within 7 days, 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.***

***If it is determined a release has occurred, please also immediately conduct the response action requirements of Env-Or 600.***

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,



1/5/2021

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ROBERT STOCKMAN, Inspector

Date

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JEREMY HOLLAND, Facility Manager

Date

### Important Dates

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	8, 9, 10	Past Due	Annual
LLD Function Check	8, 10	Past Due	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	8	Failed - Retest Immediately	Every 3 years OR monthly interstice monitoring
Spill Bucket Tightness Testing	9, 10	9/25/2023	Every 3 years OR monthly interstice monitoring
Overfill Testing	8, 9, 10	11/13/2022	Every 3 years
Primary Containment System Tightness Test	8, 9, 10	Failed - Retest Immediately	Every 3 years
Operator Monthly Checklist			Monthly
JAMES ROGERS - B Operator Training		Past Due	Every 2 years
TODD LACOURSE - A Operator Training		Past Due	Every 2 years
TODD LACOURSE - B Operator Training		Past Due	Every 2 years
WILLIAM WHIPPLE - A Operator Training		Past Due	Every 2 years



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

**Robert R. Scott, Commissioner**



11/15/2019

TAMMY HESSLER  
NHLG-UST I LLC C/O CROSS AMERICA PARTNERS  
600 HAMILTON ST STE 500  
ALLENTOWN, PA 18101-

**Subject Site: SEABROOK, NH0021, 587 LAFAYETTE RD**  
DES Site # 199106013, UST Facility # 0111950

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

On November 13, 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 404.06 THROUGH 404.08 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, PER ENV-OR 404.08(A). **PLEASE DISPLAY THE CORRECT PERMIT ON THE FACILITY PREMISES, PERMANENTLY AFFIXED IN A LOCATION THAT IS VISIBLE TO A NHDES INSPECTOR DURING A ROUTINE INSPECTION. PLEASE PROVIDE NHDES WITH WRITTEN NOTIFICATION THAT THE CORRECT PERMIT WAS POSTED. IF YOU ARE UNABLE TO LOCATE YOUR PERMIT, A REPLACEMENT PERMIT CAN BE SUBMITTED TO YOU UPON REQUEST.**

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.**

DES Web Site: [www.des.nh.gov](http://www.des.nh.gov)

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

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

RSA 146-C:19(II) REQUIRES THAT MONTHLY VISUAL INSPECTIONS BE CONDUCTED BY OR UNDER THE DIRECTION OF THE CLASS A OR B OPERATOR AT ALL UNDERGROUND STORAGE TANK FACILITIES.

THE DES INSPECTOR HAS DETERMINED THAT MONTHLY VISUAL INSPECTIONS HAVE NOT BEEN CONSISTENTLY OR COMPREHENSIVELY CONDUCTED PER RSA 146-C:19, II, AND ENV-OR 406.18(A).

***PLEASE CONDUCT MONTHLY VISUAL INSPECTION AND PROVIDE A COPY OF THE MOST RECENT MONTHLY INSPECTION TO DES.***

RSA 146-C:17-21 REQUIRES THAT ALL REGULATED FACILITIES IN NEW HAMPSHIRE HAVE DESIGNATED CLASS A, B AND C OPERATORS WHO HAVE BEEN TRAINED AND CERTIFIED IN ACCORDANCE WITH AN APPROVED TRAINING PROGRAM, A POSTING OF THE CERTIFIED CLASS C OPERATORS FOR THE FACILITY, AND A POSTING FOR THE FACILITY RESPONSE GUIDELINES,

THE DES INSPECTOR COULD NOT DOCUMENT THAT A LISTING OF CLASS C OPERATOR(S) MEETING THE REQUIREMENTS OF RSA 146-C:17,IV WAS POSTED.

***PLEASE POST THE LISTING OF CLASS C OPERATORS ASSIGNED TO THE FACILITY THAT INCLUDES THE LATEST DATE OF TRAINING, THE EXPIRATION DATE REGARDING THE TRAINING, AND AN IDENTIFICATION OF THE APPROVED TRAINING PROGRAM OR THE NAME OF THE CERTIFIED CLASS A OR B OPERATOR THAT TRAINED EACH CLASS C OPERATOR.***

RSA 146-C:17-21 REQUIRES THAT ALL REGULATED FACILITIES IN NEW HAMPSHIRE HAVE DESIGNATED CLASS A, B AND C OPERATORS WHO HAVE BEEN TRAINED AND CERTIFIED IN ACCORDANCE WITH AN APPROVED TRAINING PROGRAM, A POSTING OF THE CERTIFIED CLASS C OPERATORS FOR THE FACILITY, AND A POSTING FOR THE FACILITY RESPONSE GUIDELINES,

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

***PLEASE POST THE FACILITY OPERATOR RESPONSE GUIDELINES THAT INCLUDE SPILL REPORTING PROCEDURES, CONTACT PHONE NUMBERS, MALFUNCTIONING EQUIPMENT LOCK-OUT/TAG-OUT AND NOTIFICATION PROCEDURES, AND INITIAL MITIGATION PROTOCOL FOR EMERGENCIES, AS REQUIRED BY RSA 146-C:19, AND NOTIFY DES IN WRITING WHEN COMPLETE.***

RSA 146-C:17-21 REQUIRES THAT ALL REGULATED FACILITIES IN NEW HAMPSHIRE HAVE DESIGNATED CLASS A, B AND C OPERATORS WHO HAVE BEEN TRAINED AND CERTIFIED IN ACCORDANCE WITH AN APPROVED TRAINING PROGRAM, A POSTING OF THE CERTIFIED CLASS C OPERATORS FOR THE FACILITY, AND A POSTING FOR THE FACILITY RESPONSE GUIDELINES,

THE DES INSPECTOR HAS DETERMINED THAT THE 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 #8 (Containing GASOLINE with Capacity of 10000 gallons)**

ENV-OR 406.12(D), 406.18(A)(1), AND 406.18(C)(3) REQUIRES SPILL CONTAINMENT INSTALLED WITHIN A LIQUID-TIGHT SUMP OR OF DOUBLE-WALLED CONSTRUCTION HAVING ELECTRONIC OR MECHANICAL INTERSTITIAL MONITORING TO CONDUCT MONTHLY VISUAL INSPECTIONS OF THE INTERSTITIAL SPACE FOR THE PRESENCE OF ANY OIL OR WATER AND ANNUAL INSPECTION OF THE ELECTRONIC SENSOR OR MECHANICAL GAUGE, OR CONDUCT TRIENNIAL TIGHTNESS TESTING

THE NHDES INSPECTOR HAS DETERMINED THAT MONTHLY INSPECTIONS OF THE SINGLE-WALLED SUMP THAT THE SINGLE-WALLED SPILL BUCKET IS INSTALLED IN ARE NOT BEING CONDUCTED, PURSUANT TO ENV-OR 406.18(A)(1).

***PLEASE CONDUCT A TIGHTNESS TEST ON THE SINGLE-WALLED SUMP, PER 406.05 THROUGH 406.07, AND SUBMIT THE PASSING TEST RESULTS TO NHDES. IF THE 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 30 DAYS; AND EITHER REPAIR OR REPLACE THE SUMP IN ACCORDANCE WITH ENV-OR 408.03 OR ENV-OR 407.01 THROUGH 407.03, OR TEMPORARILY CLOSE THE UST SYSTEM, PER ENV-OR 408.04, WITHIN 30 DAYS OF THE INITIAL FAILURE. THE OWNER SHALL ALSO FOLLOW THE CLOSURE AND REPORTING REQUIREMENTS OF ENV-OR 408.06 THROUGH 408.10 IN THE CASE OF THE SUMP BEING PERMANENTLY CLOSED.***

**TANK #9 (Containing GASOLINE with Capacity of 8000 gallons)**

ENV-OR 406.12(D), 406.18(A)(1), AND 406.18(C)(3) REQUIRES SPILL CONTAINMENT INSTALLED WITHIN A LIQUID-TIGHT SUMP OR OF DOUBLE-WALLED CONSTRUCTION HAVING ELECTRONIC OR MECHANICAL INTERSTITIAL MONITORING TO CONDUCT MONTHLY VISUAL INSPECTIONS OF THE INTERSTITIAL SPACE FOR THE PRESENCE OF ANY OIL OR WATER AND ANNUAL INSPECTION OF THE ELECTRONIC SENSOR OR MECHANICAL GAUGE, OR CONDUCT TRIENNIAL TIGHTNESS TESTING

THE NHDES INSPECTOR HAS DETERMINED THAT MONTHLY INSPECTIONS OF THE SINGLE-WALLED SUMP THAT THE SINGLE-WALLED SPILL BUCKET IS INSTALLED IN ARE NOT BEING CONDUCTED, PURSUANT TO ENV-OR 406.18(A)(1).

***PLEASE CONDUCT A TIGHTNESS TEST ON THE SINGLE-WALLED SUMP, PER 406.05 THROUGH 406.07, AND SUBMIT THE PASSING TEST RESULTS TO NHDES. IF THE 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 30 DAYS; AND EITHER REPAIR OR REPLACE THE SUMP IN ACCORDANCE WITH ENV-OR 408.03 OR ENV-OR 407.01 THROUGH 407.03, OR***

**TEMPORARILY CLOSE THE UST SYSTEM, PER ENV-OR 408.04, WITHIN 30 DAYS OF THE INITIAL FAILURE. THE OWNER SHALL ALSO FOLLOW THE CLOSURE AND REPORTING REQUIREMENTS OF ENV-OR 408.06 THROUGH 408.10 IN THE CASE OF THE SUMP BEING PERMANENTLY CLOSED.**

**TANK #10 (Containing GASOLINE with Capacity of 6000 gallons)**

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

Dry brake vapor recovery containment device was not maintained in good working order. The containment device shall be replaced, repaired or cleaned to enable the device to collect and hold a minimum 5-gallon spill during a product delivery.

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

ENV-OR 406.12(D), 406.18(A)(1), AND 406.18(C)(3) REQUIRES SPILL CONTAINMENT INSTALLED WITHIN A LIQUID-TIGHT SUMP OR OF DOUBLE-WALLED CONSTRUCTION HAVING ELECTRONIC OR MECHANICAL INTERSTITIAL MONITORING TO CONDUCT MONTHLY VISUAL INSPECTIONS OF THE INTERSTITIAL SPACE FOR THE PRESENCE OF ANY OIL OR WATER AND ANNUAL INSPECTION OF THE ELECTRONIC SENSOR OR MECHANICAL GAUGE, OR CONDUCT TRIENNIAL TIGHTNESS TESTING

THE NHDES INSPECTOR HAS DETERMINED THAT MONTHLY INSPECTIONS OF THE SINGLE-WALLED SUMP THAT THE SINGLE-WALLED SPILL BUCKET IS INSTALLED IN ARE NOT BEING CONDUCTED, PURSUANT TO ENV-OR 406.18(A)(1).

***PLEASE CONDUCT A TIGHTNESS TEST ON THE SINGLE-WALLED SUMP, PER 406.05 THROUGH 406.07, AND SUBMIT THE PASSING TEST RESULTS TO NHDES. IF THE 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 30 DAYS; AND EITHER REPAIR OR REPLACE THE SUMP IN ACCORDANCE WITH ENV-OR 408.03 OR ENV-OR 407.01 THROUGH 407.03, OR TEMPORARILY CLOSE THE UST SYSTEM, PER ENV-OR 408.04, WITHIN 30 DAYS OF THE INITIAL FAILURE. THE OWNER SHALL ALSO FOLLOW THE CLOSURE AND REPORTING REQUIREMENTS OF ENV-OR 408.06 THROUGH 408.10 IN THE CASE OF THE SUMP BEING PERMANENTLY CLOSED.***

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,



11/15/2019

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COREY ROUSSEAU, Inspector

Date

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TAMMY HESSLER, Facility Manager

Date

**Important Dates**

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	8, 9, 10	12/13/2019	Annual
LLD Function Check	8	12/20/2019	Annual
LLD Function Check	10	12/13/2019	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	8, 9, 10	5/16/2020	Every 3 years OR monthly interstice monitoring
Overfill Testing	8, 9, 10	11/13/2022	Every 3 years
Primary Containment System Tightness Test	8, 9, 10	1/3/2020	Every 3 years
Operator Monthly Checklist			Monthly
JAMES ROGERS - B Operator Training		8/22/2020	Every 2 years
WILLIAM WHIPPLE - A Operator Training		10/24/2020	Every 2 years