



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

**Robert R. Scott, Commissioner**



11/22/2021

GLEN MEDER  
DMS FUELS LLC  
2830 DARTMOUTH COLLEGE HWY  
N HAVERHILL, NH 03774-

**Subject Site:** HAVERHILL, DMS FUELS LLC, 2830 DARTMOUTH COLLEGE HWY  
NHDES Site # 199209012, UST Facility # 0110638

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

On November 22, 2021 the New Hampshire Department of Environmental Services, Waste Management Division (NHDES) 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 NHDES 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: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 NHDES inspector. Env-Or 405.01(g) requires that a UST certificate be permanently affixed and visible to the NHDES inspector at the facility premises.

The NHDES inspector has determined the class B operator's certification expired after March 13, 2020 and the certification was temporarily extended by Governor Sununu's Emergency Order #29. The order has ended and the class B operator's certification is now expired.

***Please plan to have at least one employee certified as a class B operator by an approved training program in accordance with RSA-C:18 and submit a new Statement of Training form to NHDES designating the certified class B operator for the subject facility by March 8, 2022. Please visit <https://www.des.nh.gov/business-and-community/fuel-storage-tanks/underground-storage-tanks/operator-training> for the NHDES UST Operator Training Program schedule. Please contact Suzanne Picone ([suzanne.m.picone@des.nh.gov](mailto:suzanne.m.picone@des.nh.gov)) for questions regarding the UST operator certification.***

NHDES 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: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 NHDES inspector. Env-Or 405.01(g) requires that a UST certificate be permanently affixed and visible to the NHDES inspector at the facility premises.

The NHDES inspector has determined the class A operator's certification expired after March 13, 2020 and the certification was temporarily extended by Governor Sununu's Emergency Order #29. The order has ended and the class A operator's certification is now expired.

***Please plan to have at least one employee certified as a class A operator by an approved training program in accordance with RSA-C:18 and submit a new Statement of Training form to NHDES designating the certified class A operator for the subject facility by March 8, 2022. Please visit <https://www.des.nh.gov/business-and-community/fuel-storage-tanks/underground-storage-tanks/operator-training> for the NHDES UST Operator Training Program schedule. Please contact Suzanne Picone ([suzanne.m.picone@des.nh.gov](mailto:suzanne.m.picone@des.nh.gov)) for questions regarding the UST operator certification.***

Env-Or 403.02, American Petroleum Institute standards, Env-Or 403.06, National Fire Protection Association standards and Env-Or 405.02, piping standards for UST systems, require certain standards for vent piping for tanks, including, but not limited to location and protection from damage.

The NHDES inspector has determined bollards are not installed around free-standing vents or around the Diesel dispensers to prevent damage from vehicles, per Env-Or 405.02(n).

***Please install bollards (or a barrier equivalent to), spaced no more than 4 feet apart to span any area exposed to potential vehicle access, painted with reflective paint or striped with reflective tape or paint, constructed of steel tubing having a minimum diameter of 4 inches and filled with concrete and terminated not less than 3 feet above the ground, per Env-Or 405.02(o) and submit installation documentation to NHDES.***

#### **TANK #10 (Containing #2 HEATING OIL with Capacity of 10000 gallons)**

Env-Or 406.14 requires the owner to test each new sump for tightness at installation, in accordance with Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. Env-Or 406.14 requires that no later than October 13, 2021 and triennially thereafter, in accordance with Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15.

The NHDES inspector has determined the containment sump integrity testing has not been conducted.

***Please conduct triennial tightness testing of the containment sump that meets the requirements of Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. and submit the passing test results to NHDES.***

***Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.03 for repair requirements, Env-Or 406.14(h) and 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 #11 (Containing DIESEL FUEL with Capacity of 6000 gallons)**

Env-Or 406.14 requires the owner to test each new sump for tightness at installation, in accordance with Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. Env-Or 406.14 requires that no later than October 13, 2021 and triennially thereafter, in accordance with Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15.

The NHDES inspector has determined the containment sump integrity testing has not been conducted.

***Please conduct triennial tightness testing of the containment sump that meets the requirements of Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. and submit the passing test results to NHDES.***

***Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.03 for repair requirements, Env-Or 406.14(h) and 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 #12 (Containing OFF ROAD DIESEL with Capacity of 4000 gallons)**

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

The NHDES inspector determined the piping leak monitoring test failed.

***Please repair or replace the leak monitoring system, clear and reset any alarm condition and submit passing leak monitoring test results to NHDES that meet the requirements of Env-Or 406.13(e) through (g). Please also 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 until satisfactory repairs are made.***

***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 NHDES inspector has determined the primary piping for the tank system may not be tight.

***Please remove the liquid (if present), determine if the primary piping is tight and if a release has occurred by conducting a tightness test on the primary piping that meets the requirements of Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. As an unusual operating condition, submit a written report to NHDES that describes the investigation and its conclusions, per Env-Or 406.04(e).***

***Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.03 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.***

Env-Or 406.14 requires the owner to test each new sump for tightness at installation, in accordance with Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. Env-Or 406.14 requires that no later than October 13, 2021 and triennially thereafter, in accordance with Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15.

The NHDES inspector has determined the containment sump integrity testing has not been conducted.

***Please conduct triennial tightness testing of the containment sump that meets the requirements of Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. and submit the passing test results to NHDES.***

***Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.03 for repair requirements, Env-Or 406.14(h) and 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 #14 (Containing REGULAR with Capacity of 10000 gallons)**

Env-Or 406.14 requires the owner to test each new sump for tightness at installation, in accordance with Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. Env-Or 406.14 requires that no later than October 13, 2021 and triennially thereafter, in accordance with Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15.

The NHDES inspector has determined the containment sump integrity testing has not been conducted.

***Please conduct triennial tightness testing of the containment sump that meets the requirements of Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. and submit the passing test results to NHDES.***

***Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.03 for repair requirements, Env-Or 406.14(h) and 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 #15 (Containing SUPER with Capacity of 5000 gallons)**

Env-Or 406.14 requires the owner to test each new sump for tightness at installation, in accordance with Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. Env-Or 406.14 requires that no later than October 13, 2021 and triennially thereafter, in accordance with Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15.

The NHDES inspector has determined the containment sump integrity testing has not been conducted.

***Please conduct triennial tightness testing of the containment sump that meets the requirements of Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. and submit the passing test results to NHDES.***

***Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.03 for repair requirements, Env-Or 406.14(h) and 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 #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 NHDES inspector has determined storm water is accumulating in the dispenser sump.

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

***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 407.05(d) and Saf-C 6000 requires that UST system components be installed in accordance with fire code requirements.

The NHDES inspector has determined a breakaway that meets the requirements of NFPA 30A , Chapter 6, Section 5.2 on the diesel dispensing hoses are not installed on the right side of the extension line.

***Please install the required hose breakaway on the right side of the hose extension line and submit maintenance documentation to NHDES.***

**DISPENSER #7-8**

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 NHDES inspector has determined storm water is accumulating in the dispenser sump.

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

***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 407.05(d) and Saf-C 6000 requires that UST system components be installed in accordance with fire code requirements.

The NHDES inspector has determined a breakaway that meets the requirements of NFPA 30A , Chapter 6, Section 5.2 on the diesel dispensing hoses are not installed on the right side of the extension line.

***Please install the required hose breakaway on the right side of the hose extension line and submit maintenance documentation to NHDES.***

### **DISPENSER #9-10**

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 NHDES inspector has determined storm water is accumulating in the dispenser sump.

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

***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 407.05(d) and Saf-C 6000 requires that UST system components be installed in accordance with fire code requirements.

The NHDES inspector has determined a breakaway that meets the requirements of NFPA 30A , Chapter 6, Section 5.2 on the diesel dispensing hoses are not installed on the right side of the extension line.

***Please install the required hose breakaway on the right side of the hose extension line and submit maintenance documentation to NHDES.***

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 NHDES 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 NHDES proceeding under the NHDES 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 NHDES 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 NHDES at (603) 271-3899. NHDES appreciates your willingness to comply with the UST program in an effort to preserve New Hampshire's environment.

Sincerely,



11/24/2021

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ROBERT STOCKMAN, Inspector

Date

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GLEN MEDER, Facility Manager

Date

**Important Dates**

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	10, 14, 15	9/1/2022	Annual
Tank Leak Monitor Test	11, 12	9/10/2022	Annual
LLD Function Check	14, 15	9/1/2022	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	10, 11, 12	9/1/2024	Every 3 years OR monthly interstice monitoring
Spill Bucket Tightness Testing	14, 15	8/2/2024	Every 3 years OR monthly interstice monitoring
Overfill Testing	10, 11, 12, 14, 15	11/22/2024	Every 3 years
Primary Containment System Tightness Test	11	9/9/2024	Every 3 years
Primary Containment System Tightness Test	12	9/10/2024	Every 3 years

Primary Containment System Tightness Test	14, 15	9/12/2024	Every 3 years
Operator Monthly Checklist			Monthly
GLEN MEDER - A Operator Training		Past Due	Every 2 years
GLEN MEDER - B Operator Training		Past Due	Every 2 years