The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

1/11/2022

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

Subject Site: **MILFORD, NH0018, 4 AMHERST ST**
NHDES Site # 198704093, UST Facility # 0113095

Reference: Underground Storage Tank Facility Inspection Report

On January 11, 2022 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:19, II and Env-Or 406.18 require monthly and annual visual inspections be conducted by or under the direction of the class A or B operator at all UST facilities.
The NHDES inspector could not verify monthly visual inspections records are being conducted because the records were not available for the NHDES inspection per RSA 146-C:19, II.
Please conduct and record monthly visual inspections in accordance with RSA 146-C:19, II and Env-Or 406.18, and submit a copy of the most recent inspection report to NHDES.

RSA 146-C:19, II and Env-Or 406.18 require monthly and annual visual inspections be conducted by or under the direction of the class A or B operator at all UST facilities.
The NHDES inspector could not verify annual visual inspections records are being conducted because the records were not available for the NHDES inspection per RSA 146-C:19, II.
Please conduct and record annual visual inspections in accordance with RSA 146-C:19, II and Env-Or 406.18(c), and submit a copy of the most recent inspection report to NHDES.

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

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) for questions regarding the UST operator certification.

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) for questions regarding the UST operator certification.

TANK #8 (Containing DIESEL FUEL with Capacity of 6000 gallons)

Env-Or 408.04 through 408.10 require that temporary and permanent closure requirements be met for certain UST systems and components.
The NHDES inspector has determined the UST system has been temporarily closed for more than 36 months at this location and the UST system has not been recertified in accordance with Env-Or 408.04(g).
Please permanently close all double-wall UST system(s) that have been temporarily closed for more than 36 months and not recertified within 30 days. Please notify NHDES of the UST system(s) closure and submit a closure notification form at least 14 days prior to the closure which includes providing the date of closure, the ICC U2 certified individual who will be on-site during all closure related activity and other information required by Env-Or 408.06. Please provide a closure report to NHDES within 30 days after the closure, as required by Env-Or 408.10.

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 NHDES inspector determined the highest exit point of the drop tube is not 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 and submit documentation of the installation (including measurements and photographs) to NHDES.

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 NHDES inspector has determined the audible and visual alarm is not working in accordance with Env-Or 405.06(k) when the tank overfill alarm is manually activated.
Please verify the audible overfill device, when manually activated, remains in alarm for no less than 10 seconds, verify the visual alarm, when manually activated, remains in alarm until manually reset, submit maintenance documentation and passing primary overfill protection device test results (including measurements and photographs) as specified in Env-or 406.11(d) through (h) to NHDES. 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.

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

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

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 has determined the annual test documentation was not available for the piping leak monitoring equipment.
Please submit passing test results to NHDES that meet the requirements of Env-Or 406.13(e) through (g).

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 #10 (Containing REGULAR with Capacity of 10000 gallons)
Env-Or 408.04 through 408.10 require that temporary and permanent closure requirements be met for certain UST systems and components.
The NHDES inspector has determined the UST system has been temporarily closed for more than 36 months at this location and the UST system has not been recertified in accordance with Env-Or 408.04(g).
Please permanently close all double-wall UST system(s) that have been temporarily closed for more than 36 months and not recertified within 30 days. Please notify NHDES of the UST system(s) closure and submit a closure notification form at least 14 days prior to the closure which includes providing the date of closure, the ICC U2 certified individual who will be on-site during all closure related activity and other information required by Env-Or 408.06. Please provide a closure report to NHDES within 30 days after the closure, as required by Env-Or 408.10.

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 NHDES 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 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.

Env-Or 405.05 and 406.01 require spill containment devices be installed and maintained in good working order on all UST systems.
The NHDES inspector has determined the fill pipe spill containment contained frozen liquid and was therefore not maintained in good working order.
Please remove the frozen liquid, determine if a release occurred by conducting a tightness test, investigate the cause of the condition and correct the condition by repair or replacement of the spill containment device; or take the spill containment device out of service. Please submit a written report to NHDES that describes the investigation and its conclusions, including tightness test results and maintenance documentation.

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 NHDES inspector has determined the audible and visual alarm is not working in accordance with Env-Or 405.06(k) when the tank overfill alarm is manually activated.
Please verify the audible overfill device, when manually activated, remains in alarm for no less than 10 seconds, verify the visual alarm, when manually activated, remains in alarm until manually reset, submit maintenance documentation and passing primary overfill protection device test results (including measurements and photographs) as specified in Env-or 406.11(d) through (h) to NHDES. 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.

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 has determined the annual test documentation was not available for the tank leak monitoring equipment.
Please submit passing test results to NHDES that meet the requirements of Env-Or 406.13(e) through (g).

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 NHDES no later than 30 days after the date of the test.
The NHDES inspector has determined the annual test documentation was not available for the line leak detector.
Please submit passing test results to NHDES 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 NHDES no later than 30 days after the date of the test.
The NHDES inspector has determined the annual test documentation was not available for the piping leak monitoring equipment.
Please submit passing test results to NHDES that meet the requirements of Env-Or 406.13(e) through (g).

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.

Env-Or 406.12(c) requires that no later than October 13, 2021 and triennially thereafter, all stage I system connection spill containment equipment that otherwise was not tested pursuant to Env-Or 406.12(a) shall be tested for tightness as specified in Env-Or 406.05 through Env-Or 406.08.
The NHDES inspector has determined the vapor 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 NHDES.
Please refer to Env-Or 406.08(i) for test failure requirements, Env-Or 408.03 for repair requirements, and Env-Or 406.12(g) for closure requirements, if applicable.
For closure of a spill containment device, please submit a summary of closure activity per Env-Or 406.12(g) and Env-Or 408.03(e).

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,

1/11/2022

HARDING SCHOFIELD, Inspector — Date

JEREMY HOLLAND, Facility Manager — Date

Important Dates

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	8, 10	Past Due	Annual
LLD Function Check	10	Past Due	Annual
Tank Corrosion Protection Test	8	9/30/2022	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, 10	9/30/2022	Every 3 years OR monthly interstice monitoring
Overfill Testing	8, 10	Failed - Retest Immediately	Every 3 years
Primary Containment System Tightness Test	8, 10	9/30/2022	Every 3 years

Operator Monthly Checklist			Monthly
JOEL DESPRES - B Operator Training		Past Due	Every 2 years
JOEL DESPRES - A Operator Training		Past Due	Every 2 years