



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



5/23/2022

BRIAN THIBEAULT
KINGSBURY ACQUISITION LLC
300 GAY ST
MANCHESTER, NH 03103-

Subject Site: KEENE, KINGSBURY ACQUISITION LLC, 80 LAUREL ST
NHDES Site # 199102028, UST Facility # 0110849

Reference: Underground Storage Tank Facility Inspection Report

On May 23, 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:3 and Env-Or 404.01 through 404.05 require the owner of a UST facility to register the facility with NHDES by providing the information required by RSA 146-C:3, I and II and to notify the NHDES of any change in information within 10 days of the change to by submitting an amended registration.

A review of NHDES records indicates the registration information is not current.

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

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.

NHDES Web Site: www.des.nh.gov

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

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

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 or determine a Statement of Training form meeting the requirements of RSA 146-C:17,II was submitted to NHDES to designate a class A operator.

Please 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. Please contact Suzanne Picone (suzanne.m.picone@des.nh.gov) for questions regarding the UST Operator Training Program.

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 or determine a Statement of Training form meeting the requirements of RSA 146-C:17,II was submitted to NHDES to designate a class B operator.

Please 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. Please contact Suzanne Picone (suzanne.m.picone@des.nh.gov) for questions regarding the UST Operator Training Program.

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

Please post Operator Response Guidelines for the UST facility that include spill reporting procedures, contact phone numbers, malfunctioning equipment lock-out/tag-out and notification procedures and initial mitigation protocol for emergencies and notify NHDES 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. 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 the permit is posted, per Env-Or 404.08(a).

Please 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.

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 the UST tank certificate is posted.

Please post the UST tank certificate on the facility premises and notify NHDES in writing that the UST tank certificate has been posted.

TANK #6 (Containing #2 HEATING OIL with Capacity of 12000 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 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 406.10 requires the owner to conduct corrosion protection system testing within six months of installation and every 3 years thereafter and submit test results to NHDES no later than 30 days after the test date. Env-Or 406.18(b) requires the impressed current cathodic systems to be inspected every 60 days.

The DES inspector has determined the tank cathodic protection system was not tested within 6 months of installation or within the last 3 years.

Please conduct the tank cathodic protection system testing and submit passing test results to NHDES that meet the requirements of Env-Or 406.10(c) through (e).

If it is determined that the cathodic protection does not meet the requirements of Env-Or 405.10(b), Env-Or 405.10(c) requires the owner to either repair or replace the cathodic protection system as specified in Env-Or 405.11 or permanently close the UST system in accordance with Env-Or 408.06 through Env-Or 408.10 within 90 days.

Env-Or 406.10 requires the owner to conduct corrosion protection system testing within six months of installation and every 3 years thereafter and submit test results to NHDES no later than 30 days after the test date. Env-Or 406.18(b) requires the impressed current cathodic systems to be inspected every 60 days.

The NHDES inspector has determined the tank cathodic protection system test documentation was not available.

Please submit passing tank cathodic protection system test results to NHDES that meet the requirements of Env-Or 406.10(c) through (e).

Env-Or 406.10 requires the owner to conduct corrosion protection system testing within six months of installation and every 3 years thereafter and submit test results to NHDES no later than 30 days after the test date. Env-Or 406.18(b) requires the impressed current cathodic systems to be inspected every 60 days.

The NHDES inspector has determined bi-monthly inspections of the impressed current cathodic system have not been consistently or comprehensively conducted.

Please conduct and records bi-monthly inspections of the impressed current cathodic system and submit a copy of the most recent inspection report 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 could not verify the fill pipe spill containment was maintained in good working order.

***Please submit written notification that the spill containment device is in good working order and submit maintenance documentation to DNHES, if applicable.
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).***

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 could not verify the overfill protection device was installed at the required 95% shut off level per Env-Or 405.06(c).

Please submit documentation, including measurements and photographs, to NHDES that verifies overfill protection installation at the 95 percent shut off level and overfill protection test results, as required by Env-Or 406.11. Any repaired or replaced overfill prevention device shall be immediately tested and reported to 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 tank leak monitoring equipment was not tested annually for proper operation.

Please 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.

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 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 NHDES inspector could not verify if the leak monitoring for the tank system listed was continuously functioning.

Please conduct maintenance to the leak monitoring system and submit passing leak monitoring test results to NHDES 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.

Any malfunction must be repaired within 15 working days or the affected system(s) must be temporary closed in accordance with Env-Or 408.04 until satisfactory repairs are made in accordance with Env-Or 406.02(c). If the leak monitor indicates a possible leak, the owner shall investigate the cause of the indication to determine if a leak has occurred, in accordance with Env-Or 406.04.

Env-Or 405.08 and Env-Or 406.02 require leak monitoring of tank systems to be installed and in good working order to continuously perform their original design function. Env-Or 406.02 requires the interstitial or annular space for tanks to be free of debris and water.

The NHDES inspector could not verify the tank leak monitoring sensor was continuously functioning.

Please verify the tank leak monitor system sensor is working continuously 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 performed in the comments section of the leak monitoring test report.

Any malfunction must be repaired within 15 working days or the affected system(s) must be temporary closed in accordance with Env-Or 408.04 until satisfactory repairs are made in accordance with Env-Or 406.02(c). 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 NHDES no later than 30 days after the date of the test. The NHDES 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 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.

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 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 could not verify if the leak monitoring for the piping was continuously functioning.

Please conduct maintenance to the leak monitoring system and submit passing leak monitoring test results to NHDES 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 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 could not verify if the piping leak monitoring sensor was continuously functioning.

Please verify the piping leak monitor system sensor is working continuously 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 performed 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 NHDES inspector has determined the fill pipe 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).

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 NHDES inspector has determined the test documentation was not available for the fill pipe spill containment tightness testing.

Please submit passing test results to NHDES that meet the requirements of Env-Or 406.12(i) and (j).

Env-Or 406.11 requires that no later than December 22, 2017 and triennially thereafter, the owner of a UST system shall test the primary overfill protection system.

The NHDES inspector determined the primary overfill prevention device testing has not been conducted pursuant to Env-Or 406.11(a).

Please conduct triennial primary overfill device testing, per Env-Or 406.11, and submit passing test results to NHDES. Any malfunctioning overfill device shall be repaired within 30 days. If the device cannot be repaired or replaced within 30 days, the affected system shall be prohibited from taking a delivery until satisfactory repairs are made. Any repaired or replaced overfill prevention device shall be immediately tested and reported to NHDES as specified in Env-Or 406.11(d) through (h).

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.

SUMP #T#6 tank top

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 test documentation was not available for the containment sump tightness testing.

Please submit passing test results to NHDES that meet the requirements of Env-Or 406.14(f) 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 406.14 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 determined the containment sump leak monitoring sensor has not been tested annually pursuant to Env-Or 406.13(b) and the containment sump has not been tested in the past 3 years, pursuant to Env-Or 406.14.

Please conduct triennial tightness testing of the containment, per Env-Or 406.14, and submit the passing test results to NHDES. Please also continue conducting triennial testing of the sump containment; or repair/replace the leak monitoring sensor and submit maintenance documentation to NHDES. Please refer to Env-Or 406.08(i) for test failure requirements, Env-Or 408.03 for repair requirements, and Env-Or 406.14(h) and Env-Or 408.03(e) for closure requirements, if applicable.

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,



5/23/2022

MATTHEW BEAUREGARD, Inspector

Date

BRIAN THIBEAULT, Facility Manager

Date

Important Dates

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	6	Past Due	Annual
LLD Function Check	N/A	N/A	Annual
Tank Corrosion Protection Test	6	Past Due	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	6	No previous test - Test Immediately	Every 3 years OR monthly interstice monitoring
Overfill Testing	6	No previous test - Test Immediately	Every 3 years
Primary Containment System Tightness Test	N/A	N/A	Every 3 years
Operator Monthly Checklist			Monthly