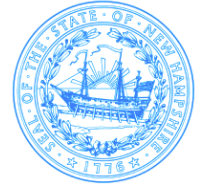




The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

EMAIL ONLY

May 3, 2021

VIPULKUMAR PATEL
SMOKE N BARLEY EPSOM
1921 DOVER ROAD
EPSOM, NH 03234

Subject: Epsom, Epsom Circle Market, 1921 Dover Rd
NHDES Site #199104001, UST Facility ID #0111376

Reference: UST System Construction Plan prepared by, Christopher P. Williams, P.E.
PLLC, dated February 1, 2021 and last revised April 30, 2021

Dear Mr. Patel:

The New Hampshire Department of Environmental Services, Waste Management Division (NHDES) has completed its review of the subject plans forwarded to us by your engineer for the proposed underground storage tanks #8 and #9 system installations. NHDES conditionally approves the application revised April 29, 2021, and plan sheets 1 - 3 of 3 last revised April 30, 2021, for construction in accordance with the requirements of Env-Or 407.04 of the New Hampshire Code of Administrative Rules, Env-Or 400, Underground Storage Tank Facilities (UST Rules). **The approval is subject to the conditions listed below:**

- A. **THE FACILITY OWNER IS RESPONSIBLE** FOR PROPER INSTALLATION OF THE NEW OR SUBSTANTIALLY MODIFIED UST SYSTEM. ENSURE THAT THE CERTIFIED TANK INSTALLER RECEIVES A COPY OF THIS DOCUMENT **AND A COPY OF THE NHDES APPROVED PLANS AS NOTED ABOVE REFERENCED BY PAGE NUMBERS AND DATES.**
- B. **Closure and site assessment requirements shall be performed in accordance with Env-Or 408.04 through Env-Or 408.10 for tanks, sump replacements, piping replacements (including placed in existing ducts) and piping removals.** Any indication of contamination requires immediate notification to NHDES pursuant to the requirements of Env-Or 604.06. This construction approval in no way alleviates the owner's responsibility to perform adequate contamination cleanup acceptable to NHDES, prior to installation of the new system. **A notification form shall be submitted to NHDES 14 days prior to closure of the existing system and a closure report shall be submitted to NHDES within 30 days of the site assessment required for both tank and piping closures.** Closure shall be supervised by an ICC certified tank remover (certification in category U2).
- C. The approval is valid for one year from the date of issuance, per Env-Or 407.04(f). If construction pursuant to the approval has not commenced within one year, the approval shall be void, per Env-Or 407.04(g). If construction has commenced but is not completed within one year, the owner shall notify NHDES and may request a one-year extension if meeting the conditions of Env-Or 407.04(h)(1) and (h)(2).

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- D. An owner shall not cause or allow any construction or other activity that is not in accordance with the approved plans and all terms and conditions of NHDES's approval, per Env-Or 407.04(e). The construction of the system shall strictly comply with the approved plans and specifications. No construction changes will be allowed without prior approval from a New Hampshire licensed professional engineer (NH P.E.) and NHDES.
- E. Any person installing a UST or UST system component shall be certified by the International Code Council in the UST system/retrofitting (certification in category U1) and have an understanding of federal UST regulations and industry codes and practice, per Env-Or 407.05(a) and (b)(2). Additionally, **the certified installer shall be a qualified installer by the manufacturer of the equipment being installed for every component of the system, per Env-Or 407.05(b)(1).** Installation shall comply with applicable standards and fire codes, per Env-Or 407.05(c) and (d).
- F. The certified tank installer shall perform applicable tightness testing after installation and prior to backfill to determine tightness of the primary piping, secondary containment piping, vent piping, and all spill containment equipment in accordance with Env-Or 406.05 through Env-Or 406.08, per Env-Or 407.08(a) and (b). The certified tank installer shall certify the results of all tightness performed and provide the certified results to NHDES and the owner at the time of backfill inspection of the system, per Env-Or 407.08(c).
- G. The certified tank installer shall test all installed sumps for tightness in accordance with Env-Or 406.15. The certified tank installer shall certify and provide the certified test results to NHDES and owner at the time of the backfill inspection of system, per Env-Or 407.08(c).
- H. The owner shall notify NHDES of the completion of installation for a new or substantially modified system at least 5 NHDES business days prior to backfilling the tank top and/or piping, to arrange for an inspection, in accordance with 407.07(b). The new system shall not be backfilled or placed into service until NHDES has performed an inspection, per Env-Or 407.07(e) and (f).
- I. In addition to the certified tightness testing results required at the backfill inspection per Env-Or 407.08(c), per Env-Or 407.08(e)(2), following the completion of a new or substantially modified existing system and prior to dispensing or consumption **the certified tank installer shall submit** to NHDES certified test results for all tests indicated in Env-Or 407.08(e)(1), as applicable to the installation:
 - a. All line leak detectors passed a functionality test;
 - b. All overfill devices passed a functionality test;
 - c. All spill containment passed integrity testing;
 - d. All containment sumps passed integrity testing;
 - e. All leak monitoring system components pass a functionality test; and
 - f. All motor fuel dispensing tank systems passed primary containment testing.
- J. At least 8 NHDES working hours prior to an inspection by NHDES, the owner shall submit to NHDES a letter prepared and stamped by a New Hampshire licensed professional engineer (NH P.E.), stating that the installed UST system has been inspected by a NH P.E. to verify that the system was constructed in accordance with NHDES's approved plans and specifications, per Env-Or 407.07(c). If the NH P.E.'s inspection reveals any discrepancies between the system as installed and the approved plans and specifications, the owner shall submit to NHDES as-built record drawings prepared and stamped by a NH P.E., per Env-Or 407.07(d).

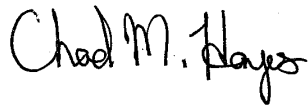
- K. All line leak detectors shall be tested in accordance with the manufacturer's requirements. The certified tank installer shall certify that all line leak detectors passed a functionality test and submit the certified test results to NHDES before any regulated substance is dispensed or used for consumption, as applicable, per Env-Or 407.08(d).
- L. **Prior to authorization to dispense to the public** all **Primary Containment Systems** shall be **successfully** tested as defined in Env-Or 406.17. Testing shall be for tightness per Env-Or 406.17(b), which includes **any motor fuel dispensing UST system** dispensing gasoline, diesel, kerosene, Jet and Avgas. The certified tank installer shall provide the certified test results to NHDES per Env-Or 406.17(e). **This facility doesn't require the test to be witnessed by a NHDES inspector.**
- M. Prior to NHDES authorizing an underground storage tank system to be placed into service, the owner shall submit to NHDES final certification by a New Hampshire licensed professional engineer or the certified tank installer that the installation has been completed and is in accordance with **NHDES's approved plans, as-built record drawings** and all terms and conditions, per Env-Or 404.04(i).
- N. A new or amended registration form, respectively, for new systems or substantial modifications of existing systems, shall be filed with NHDES at the time of the final inspection of the system, per Env-Or 404.01(f). **Use form dated May 2019.**
- O. Per RSA 146-C:17, no person shall operate an underground storage facility without designated class A, B, and C operators who have been trained and certified in accordance with an approved training program. Information can be obtained by contacting the Oil Compliance Section Supervisor, Charlie Krautmann, by dialing (603) 271-6058 or by email at Charles.Krautmann@des.nh.gov. Additional information, including approved operator training programs, upcoming class dates, operator training forms, and more can be found by visiting the Underground Storage Tank Operator Training website at: <https://www.des.nh.gov/business-and-community/fuel-storage-tanks/underground-storage-tanks/operator-training>
- P. The State of New Hampshire and NHDES shall incur no liability by reason of this plan review for this proposed facility. The comments in this letter are based on plans and specifications supplied by the site owner or responsible party. **This plan review does not guarantee the adequacy of the approved plan nor does it supersede any federal, state, or local ordinances or regulations.**
- Q. This approval in no way constitutes an endorsement or approval of any material, design, or workmanship, but only that the plans and specifications, as submitted, appear to fulfill the requirements of the UST Rules. Nor does the approval relieve the owner of the responsibility to install the system according to acceptable engineering design and construction practices.
- R. **State law does not preempt local authority.** The owner must notify the appropriate local officials and comply with any local ordinances and permitting requirements. This includes building permits, notification to the fire department, and any approvals and inspections.
- S. The existing UST system is installed within the sanitary protective area (SPA) of public water system (PWS) 0778090. Per Env-Or 407.06(c)(1) the owner of this PWS has provided written authorization of the system replacement to NHDES on April 30, 2021.

A permit to temporarily discharge groundwater, pursuant to Env-Wq 402 may be required prior to dewatering necessary for the installation of an UST system. Applications and permitting information can be obtained by calling (603) 271-2858 or (603) 271-2513.

The owner shall also be responsible for any damages and regulatory fines due to spilled or leaked petroleum caused by non-compliance, faulty design, or poor workmanship. The State of New Hampshire shall not incur any liability as a result of any spill, leak, failure, or damage of any kind related to the UST facility.

Please contact me should you have any questions regarding this conditional construction approval.

Sincerely,

A handwritten signature in black ink that reads "Chad M. Hayes". The signature is written in a cursive, slightly slanted style.

Chad M. Hayes, P.E.
Oil Remediation and Compliance Bureau
Tel: (603) 271-0686
Email: Chad.Hayes@des.nh.gov

Enclosures: Closure Notification Form
 UST Registration Form

cc: Epsom Fire Chief
 Christopher P. Williams P.E., PLLC
 David Drapeau, CJD Dirtworks, LLC
 Steve Scotton, NHDES