



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

**Robert R. Scott, Commissioner**



8/9/2022

DOUG COLBY  
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**Subject Site:** DANBURY, DICKS VILLAGE STORE, 717 RTE 4  
NHDES Site # 199607052, UST Facility # 0112726

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

On August 09, 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**

Env-Or 405.07 and Env-Or 407.10 require a concrete pad having positive limiting barriers to be installed and maintained in each dispensing area. 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 the UST facility does not have a dispensing area installed for each UST system pursuant to Env-Or 405.07.

***Please install a concrete pad with a positive limiting barrier that meets the requirements of Env-Or 405.07 and submit maintenance documentation 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 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](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

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 #3A (Containing GASOLINE with Capacity of 9000 gallons)**

Env-Or 504 requires an owner or operator of a gasoline storage tank at either a gasoline dispensing facility or a bulk gasoline plant to install, maintain and operate stage I equipment, and to properly notify NHDES of its existence and upkeep.

The NHDES inspector has determined the stage I system testing required by Env-Or 504.07(a)(1) has not been performed.

***Please notify NHDES in writing at least 7 days prior to a planned test date in accordance with Env-Or 504.07(b), conduct the stage I system testing that meets the requirements of Env-Or 504.07 through Env-Or 504.10 and submit test results to NHDES.***

***If the test fails, please notify NHDES per Env-Or 406.08, investigate the cause of the failure and determine if the system has leaked within 7 days; or temporarily close the system within 7 days of the initial failure and permanently close the system within 30 days of the test failure in accordance with Env-Or 408.06 through 408.10. As an unusual operating condition, submit a written report to NHDES that describes the investigation and its conclusions, per Env-Or 406.04(e).***

***Immediately conduct applicable notification and response actions required of Env-Or 600 if a release has occurred.***

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 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 has determined the drop tube was not maintained in good working order and/or is damaged.

***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 504.01 and 504.02 require an owner or operator of a gasoline storage tank at either a gasoline dispensing facility or a bulk gasoline plant to install, maintain and operate stage I equipment, and to properly notify NHDES of its existence and upkeep.

The NHDES inspector has determined the correct PV vent cap was not installed.

***Please install the correct PV vent cap and conduct PV vent cap testing in accordance with Env-Or 504.09. Please submit passing PV vent cap test results and installation***

**documentation to NHDES.**

Env-Or 504.01 and 504.02 require an owner or operator of a gasoline storage tank at either a gasoline dispensing facility or a bulk gasoline plant to install, maintain and operate stage I equipment, and to properly notify NHDES of its existence and upkeep.

The NHDES inspector has determined the PV vent cap was in poor condition.

***Please replace PV vent cap and conduct PV vent cap testing in accordance with Env-Or 504.09. Please submit test results and installation documentation 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 pad was broken and/or displaced.

***Please repair or replace the spill containment pad and submit maintenance documentation to DES. If damage to the fill riser pipe is discovered or suspected, please notify NHDES of an unusual operating condition per Env-Or 406.04.***

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 below grade fill pipe spill containment is not installed to prevent regulated substance from entering the surrounding backfill.

***Please either fill the space around the spill containment with a fuel-compatible, impervious material or re-install the spill containment that is compliant with Env-Or 405.05(c)(2) and submit maintenance or installation results to NHDES.***

***Please refer to Env-Or 406.12(c) for triennial testing requirements, Env-Or 408.03 for repair requirements, and Env-Or 406.12(g) and Env-Or 408.03(e) for closure requirements, if applicable.***

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 was not maintained in good working order.

***Please submit written notification that the spill containment device is in good working order and submit maintenance documentation to NHDES, 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 has determined the primary overfill protection device was not maintained in good working order.

***Please 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 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 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 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.***

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 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 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 406.11 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 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 NHDES inspector has determined the triennial primary containment tightness testing has not been conducted.

***Please 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).***

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 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 is temporarily closed but the tank fill cap is not locked to prevent filling.

***Please add locks to all fill caps of temporarily closed tanks per Env-Or 408.04(a) and notify NHDES in writing when complete.***

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 is temporarily closed but the tank contains more than 1" of liquid.

***Please remove all liquid in temporarily closed tank(s) to less than 1" per Env-Or 408.04(a), notify DES in writing when complete and submit documentation of proper disposal of substances to NHDES.***

Env-Or 403.06, Env-Or 405, NFPA 30, NFPA 30A, UL 971 and UL 971A require tank and piping standards for UST systems.

The NHDES inspector could not verify underground double wall piping being terminated above ground level.

***Please install secondary containment piping in accordance with Env-Or 405.02(g) and Env-Or 405.04 and submit maintenance documentation to NHDES.***

Env-Or 403.06, Env-Or 405, NFPA 30, NFPA 30A, UL 971 and UL 971A require tank and piping standards for UST systems.

The NHDES inspector has determined that the facility does not have a clearly identified or easily accessible switch or circuit breaker for an emergency stop.

***Please install an emergency stop that is clearly identified and easily accessible via switch(es) or circuit breaker(s), installed at a remote location from the dispensing devices, including remote pumping system, to shut off the power to all dispensing devices in the event of an emergency, per NFPA 30A. Please provide NHDES with installation information.***

#### **TANK #3B (Containing GASOLINE with Capacity of 3000 gallons)**

Env-Or 504 requires an owner or operator of a gasoline storage tank at either a gasoline dispensing facility or a bulk gasoline plant to install, maintain and operate stage I equipment, and to properly notify NHDES of its existence and upkeep.

The NHDES inspector has determined the stage I system testing required by Env-Or 504.07(a)(1) has not been performed.

***Please notify NHDES in writing at least 7 days prior to a planned test date in accordance with Env-Or 504.07(b), conduct the stage I system testing that meets the requirements of Env-Or 504.07 through Env-Or 504.10 and submit test results to NHDES.***

***If the test fails, please notify NHDES per Env-Or 406.08, investigate the cause of the failure and determine if the system has leaked within 7 days; or temporarily close the system within 7 days of the initial failure and permanently close the system within 30 days of the test failure in accordance with Env-Or 408.06 through 408.10. As an unusual operating condition, submit a written report to NHDES that describes the investigation and its conclusions, per Env-Or 406.04(e).***

***Immediately conduct applicable notification and response actions required of Env-Or 600 if a release has occurred.***

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 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 has determined the drop tube was not maintained in good working order and/or is damaged.

***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 504.01 and 504.02 require an owner or operator of a gasoline storage tank at either a gasoline dispensing facility or a bulk gasoline plant to install, maintain and operate stage I equipment, and to properly notify NHDES of its existence and upkeep.

The NHDES inspector has determined the correct PV vent cap was not installed.

***Please install the correct PV vent cap and conduct PV vent cap testing in accordance with Env-Or 504.09. Please submit passing PV vent cap test results and installation documentation to NHDES.***

Env-Or 504.01 and 504.02 require an owner or operator of a gasoline storage tank at either a gasoline dispensing facility or a bulk gasoline plant to install, maintain and operate stage I equipment, and to properly notify NHDES of its existence and upkeep.

The NHDES inspector has determined the PV vent cap was in poor condition.

***Please replace PV vent cap and conduct PV vent cap testing in accordance with Env-Or 504.09. Please submit test results and installation documentation 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 pad was broken and/or displaced.

***Please repair or replace the spill containment pad and submit maintenance documentation to DES. If damage to the fill riser pipe is discovered or suspected, please notify NHDES of an unusual operating condition per Env-Or 406.04.***

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 below grade fill pipe spill containment is not installed to prevent regulated substance from entering the surrounding backfill.

***Please either fill the space around the spill containment with a fuel-compatible, impervious material or re-install the spill containment that is compliant with Env-Or 405.05(c)(2) and submit maintenance or installation results to NHDES.***

***Please refer to Env-Or 406.12(c) for triennial testing requirements, Env-Or 408.03 for***

***repair requirements, and Env-Or 406.12(g) and Env-Or 408.03(e) for closure requirements, if applicable.***

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 was not maintained in good working order.

***Please submit written notification that the spill containment device is in good working order and submit maintenance documentation to NHDES, 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 has determined the primary overfill protection device was not maintained in good working order.

***Please 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 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 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 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.***

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 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 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 406.11 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 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 NHDES inspector has determined the triennial primary containment tightness testing has not been conducted.

***Please 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).***

Env-Or 403.06, Env-Or 405, NFPA 30, NFPA 30A, UL 971 and UL 971A require tank and piping standards for UST systems.

The NHDES inspector could not verify underground double wall piping being terminated above ground level.

***Please install secondary containment piping in accordance with Env-Or 405.02(g) and Env-Or 405.04 and submit maintenance documentation to NHDES.***

Env-Or 403.06, Env-Or 405, NFPA 30, NFPA 30A, UL 971 and UL 971A require tank and piping standards for UST systems.

The NHDES inspector has determined that the facility does not have a clearly identified or easily accessible switch or circuit breaker for an emergency stop.

***Please install an emergency stop that is clearly identified and easily accessible via switch(es) or circuit breaker(s), installed at a remote location from the dispensing devices, including remote pumping system, to shut off the power to all dispensing devices in the event of an emergency, per NFPA 30A. Please provide NHDES with installation information.***

**SUMP #T#3A 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 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.***

**SUMP #T#3B 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 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.***

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,



8/9/2022

MATTHEW BEAUREGARD, Inspector

Date

DOUG COLBY, Facility Manager

Date

**Important Dates**

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	3A, 3B	Past Due	Annual
LLD Function Check	N/A	N/A	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	3A, 3B	No previous test - Test Immediately	Every 3 years OR monthly interstice monitoring
Overfill Testing	3A, 3B	Failed - Retest Immediately	Every 3 years

DOUG COLBY

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Primary Containment System Tightness Test	3A, 3B	No previous test - Test Immediately	Every 3 years
Operator Monthly Checklist			Monthly
DOUGLAS COLBY JR. - A Operator Training		Past Due	Every 2 years
DOUGLAS COLBY JR. - B Operator Training		Past Due	Every 2 years