



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

**Robert R. Scott, Commissioner**



8/10/2022

CHIRAG PATEL  
TIRTH LLC  
44 EXETER ST  
NEWMARKET, NH 03857-

**Subject Site:** **NEWMARKET, NEWMARKET MINIMART LLC, 44 EXETER STREET**  
NHDES Site # 199004005, UST Facility # 0114927

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

On August 10, 2022 the New Hampshire Department of Environmental Services, Waste Management Division (NHDES) conducted an inspection of the underground storage tank (UST) system(s) at the subject site. The inspection was conducted to determine the level of compliance with key elements of the New Hampshire Code of Administrative Rules Env-Or 400 Underground Storage Facilities (UST Rules) and Env-Or 500, Recovery of Gasoline Vapors. These rules were established for the purpose of reducing the number of product releases to the environment from UST systems and to establish a leak detection system which would alert a facility owner or operator before significant environmental damage and economic loss occurs. The inspection conducted at this facility is part of the NHDES release prevention effort.

**Deficiencies noted during this inspection warrant your facility to be considered in substantial non-compliance with applicable rules. This means they pose a threat of a release to the environment and may result in a release going undetected. The following deficiency(ies) requires your immediate attention:**

### **GENERAL**

RSA 146-C:19, II and Env-Or 406.18 require monthly and annual visual inspections be conducted by or under the direction of the class A or B operator at all UST facilities.

The NHDES inspector could not verify monthly visual inspections records are being conducted because the records were not available for the NHDES inspection per RSA 146-C:19, II.

***Please conduct and record monthly visual inspections in accordance with RSA 146-C:19, II and Env-Or 406.18, and submit a copy of the most recent inspection report to NHDES.***

RSA 146-C:17-21 requires that all regulated facilities in New Hampshire have designated Class A, B and C operators who have been trained and certified in accordance with an approved training program, a posting of the certified Class C operators for the facility and a posting for the facility response guidelines. Env-Or 404.06 through 404.08 require a permit to operate and that the permit is permanently affixed on the facility premises in a location that is visible to a NHDES inspector. Env-Or 405.01(g) requires that a UST certificate be permanently affixed and visible to the NHDES inspector at the facility premises.

The NHDES inspector has determined the class A operator is currently overdue for recertification, as required by RSA 146-C:18(I)(a)(3).

***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 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

***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 has determined the class B operator is currently overdue for recertification, as required by RSA 146-C:18(l)(b)(5).

***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 visit <https://www.des.nh.gov/business-and-community/fuel-storage-tanks/underground-storage-tanks/operator-training> for the NHDES UST Operator Training Program schedule. Please contact Suzanne Picone (suzanne.m.picone@des.nh.gov) for questions regarding the UST Operator Training Program.***

**TANK #7 (Containing GASOLINE with Capacity of 12000 gallons)**

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 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 406.09 requires automatic line leak detectors to be tested annually in accordance with the manufacturer's requirements to confirm that they are operating in accordance with their designed functions and requires the facility owner to submit test results to NHDES no later than 30 days after the date of the test.

The NHDES inspector has determined the line leak detector was not tested annually for proper operation.

***Please conduct annual line leak detection testing and submit passing test results to NHDES that meet the requirements of Env-Or 406.09(b) and (c).***

***If it is determined that the line leak detection system is malfunctioning, Env-Or 406.09(f) requires the owner to remove the affected piping system(s) from service until the line leak detector is repaired or replaced and passes the line leak detector test.***

***Finally, if the line leak detection system 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.***

#### **DISPENSER #1/2**

Env-Or 405.04 and Env-Or 406.01(a) require dispenser sumps to be installed that are liquid-tight, free of liquid and debris, maintained and provided with continuous leak detection monitoring.

The NHDES inspector has determined the containment sump integrity testing for all dispenser pans has not been conducted.

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

***Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.03 for repair requirements, Env-Or 406.14(h) and 408.06 through 408.10 for closure requirements, if applicable. Immediately conduct applicable notification and response actions required of Env-Or 600 if a release has occurred.***

#### **DISPENSER #3/4**

Env-Or 405.04 and Env-Or 406.01(a) require dispenser sumps to be installed that are liquid-tight, free of liquid and debris, maintained and provided with continuous leak detection monitoring.

The NHDES inspector has determined the containment sump integrity testing for all dispenser pans has not been conducted.

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

***Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.03 for repair requirements, Env-Or 406.14(h) and 408.06 through 408.10 for closure requirements, if applicable. Immediately conduct applicable notification and response actions required of Env-Or 600 if a release has occurred.***

#### **DISPENSER #5/6**

Env-Or 405.04 and Env-Or 406.01(a) require dispenser sumps to be installed that are liquid-tight, free of liquid and debris, maintained and provided with continuous leak detection monitoring.

The NHDES inspector has determined the containment sump integrity testing for all dispenser pans has not been conducted.

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

***Please refer to Env-Or 406.08 for test failure requirements, Env-Or 408.03 for repair requirements, Env-Or 406.14(h) and 408.06 through 408.10 for closure requirements, if applicable. Immediately conduct applicable notification and response actions required of Env-Or 600 if a release has occurred.***

#### **DISPENSER #7/8**

Env-Or 405.04 and Env-Or 406.01(a) require dispenser sumps to be installed that are liquid-tight, free of liquid and debris, maintained and provided with continuous leak detection monitoring.

The NHDES inspector has determined the containment sump integrity testing for all dispenser pans has not been conducted.

***Please conduct triennial tightness testing of the dispenser 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,



8/10/2022

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ROBERT STOCKMAN, Inspector

Date

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CHIRAG PATEL, Facility Manager

Date

**Important Dates**

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	7	Past Due	Annual
LLD Function Check	7	Past Due	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	7	6/18/2024	Every 3 years OR monthly interstice monitoring
Overfill Testing	7	Failed - Retest Immediately	Every 3 years
Primary Containment System Tightness Test	7	6/21/2024	Every 3 years
Operator Monthly Checklist			Monthly
JWALIT PATEL - A Operator Training		Past Due	Every 2 years
JWALIT PATEL - B Operator Training		Past Due	Every 2 years