



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



**Robert R. Scott, Commissioner**

November 1, 2022

**BY CERTIFIED MAIL # 7018 0680 0000 7428 7855**

**BY EMAIL AT: [cjstafford@staffordoil.com](mailto:cjstafford@staffordoil.com)**

**NOTICE OF  
INTENT TO RED TAG  
IRT #22-001**

Curtis Stafford  
George C Stafford & Sons Inc.  
231 Court Street  
Laconia, NH 03247

**Subject Site/Facility:** Laconia – Terry Murphy's Court St. Auto, 227 Court St.  
NHDES Site #199602042 UST Facility #0111695

**Reference:** Intent to Red Tag IRT #22-001

Dear Curtis Stafford:

**This letter contains important information that affects the continued operation of the subject facility.**

**If you do not comply with deficiency #1 as described below until the stand-alone sensors are installed and tested, the non-compliant UST system(s) will be subject to be red-tagged by New Hampshire Department of Environmental Services (NHDES).**

**Additionally, the facility is not in compliance with RSA 146-C, and therefore is not eligible for reimbursement of cleanup costs incurred should a spill or release occur. This remains true until the dispensers are reconstructed.**

On August 18, 2022, NHDES staff conducted a compliance inspection of the UST facility at the subject site (August 2022 Inspection). NHDES conducts compliance inspections of underground storage tank (UST) facilities to determine the facility's compliance with N.H. RSA 146-C, Underground Storage Facilities, and N.H. Code Admin. Rules Env-Or 400, Underground Storage Tank Facilities (UST Rules). By inspection report dated August 18, 2022, NHDES provided you with a list of the deficiencies that were discovered, and informed you that the deficiencies should be corrected within 30 days and verification should be submitted to NHDES within 45 days.

**Pursuant to RSA 146-C:15, NHDES hereby notifies you of its intent to red-tag the non-compliant UST systems (tanks #7, #8, #9A and #9B) for deficiency #1 if the below stipulations are not adhered.**

RSA 146-C:14, Delivery Prohibition, prohibits any person from delivering or causing the delivery of oil to a non-compliant UST that has been red-tagged, and prohibits the owner or operator of a facility from depositing or allowing the deposit of oil into a UST that has a red tag affixed to the tank or facility's fill pipe.

[www.des.nh.gov](http://www.des.nh.gov)

PO Box 95, 29 Hazen Drive, Concord, NH 03302-0095

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

Please be aware that NHDES has adopted new regulations, effective October 10, 2018. A copy of the new regulations can be found online at the website listed below.

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Or%20400.pdf>

The deficiencies for all tanks are listed below.

**Deficiency #1: Failure to conduct and submit passing dispenser sump tightness test results.**

Based on the review of NHDES records, the containment sump integrity testing has not been conducted for the dispenser sumps #1/2, #3/4, #5/6 and #7/8, associated with tanks #7, #8, #9A and #9B.

Env-Or 406.14 requires that no later than October 13, 2021 and triennially thereafter that all containment sumps shall be tested for tightness in accordance with Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15.

Prior to reconstructing the four dispenser sumps (anticipated for Fall of 2023), NHDES has provided the option to continue dispensing fuel if a passing low level hydrostatic test is conducted on all four of the dispenser sumps as well as if stand-alone sensors are installed in the low points of the sumps. Due to supply chain disruptions the sensors are delayed and/or backordered. With the delay and/or backorder for the sensors, NHDES has provided the owner an option to continue operation in the interim due to passing low level hydrostatic tests. To continue operation, the owner must conduct daily inspections of the dispenser sumps and maintain records of the inspections in a log that is accessible at the business. NHDES may make an unannounced inspection (RSA 146-C:5 II) and if we determine the sumps have liquid in them and/or the daily inspections are not being performed and recorded, the tanks will be red tagged.

NHDES expects a monthly follow-up from the Owner, including submittal of the daily checks for that month, until the stand-alone sensors are installed and tested. It is NHDES' understanding that the facility will be reconstructed in the fall of 2023 and therefore the stand-alone sensors are not a long-term solution or approval.

The Commissioner of NHDES is authorized by RSA 146-C:10-a to impose administrative fines up to \$2,000 per offense for any violation of RSA 146-C or Env-Or 400. NHDES also has authority to issue an administrative order to require you to correct the deficiencies and to refer the case to the NH Department of Justice for civil penalties and/or criminal prosecution.

Terry Murphy's Court St. Auto  
NHDES Site #199602042, UST Facility #0111695  
November 1, 2022  
Page 3 of 3

Please contact the undersigned in the Waste Management Division of NHDES as soon as the above deficiencies are corrected, or if you already have corrected them. Please also contact the undersigned if you have any questions regarding this letter.

Sincerely,



Matthew A. Jones, Compliance & Enforcement Subsection Chief  
Oil Compliance Section  
Tel. No. (603) 271-2986  
Fax No. (603) 271-2181  
Email: [Matthew.Jones@des.nh.gov](mailto:Matthew.Jones@des.nh.gov)

Enclosures: August 18, 2022 UST Facility Inspection Report  
RSA 146-C:14, 15, & 16: Delivery Prohibition

cc: NHDES Legal Unit

ec: Laconia Health Officer  
NHDES IRT List  
Jeff Stone, Vice President - [jstone@staffordoil.com](mailto:jstone@staffordoil.com)  
Glenn Worsman – [goldeagle@metrocast.net](mailto:goldeagle@metrocast.net)  
Charlie Krautmann, NHDES



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

**Robert R. Scott, Commissioner**



8/18/2022

JEFF STONE  
GEORGE C STAFFORD & SONS INC  
PO BOX 220  
LACONIA, NH 03247-0220

**Subject Site:** LACONIA, STAFFORD OIL, 227 COURT ST  
NHDES Site # 199602042, UST Facility # 0111695

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

On August 18, 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:

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

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 determined that spill containment equipment for the vapor recovery dry brake is not installed.

***Please install spill containment equipment in accordance with Env-Or 405.05 at all Stage I riser pipes and submit installation documentation and passing spill containment tightness test results to NHDES in accordance with Env-Or 406.12.***

**TANK #8 (Containing SUPER with Capacity of 10000 gallons)**

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 determined that spill containment equipment for the vapor recovery dry brake is not installed.

***Please install spill containment equipment in accordance with Env-Or 405.05 at all Stage I riser pipes and submit installation documentation and passing spill containment tightness test results to NHDES in accordance with Env-Or 406.12.***

**TANK #9B (Containing OFF ROAD DIESEL with Capacity of 3000 gallons)**

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

Env-Or 503.01 requires that the facility owner or operator of a gasoline storage tank with a capacity equal to or greater than 250 gallons shall equip the tank with a submerged fill tube, install the submerged fill tube with a clearance of 4 to 6 inches between the bottom of the tank and the highest opening of the submerged fill tube and utilize a submerged fill tube to fill the tank. Env-or 405.01(j) requires that all UST systems be equipped with a submerged fill tube installed with a clearance of at least 4 but less than 6 inches between the bottom of the tank and the point at which the regulated substance can first exit the submerged fill tube. The NHDES inspector determined the highest exit point of the drop tube is not within 4 to 6 inches from the bottom of the tank.

***Please install a new drop tube with the highest exit point 4 to 6 inches above the bottom of the tank and submit documentation of the installation (including measurements and photographs) to NHDES.***

#### **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.***

#### **SUMP #T#7 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 tightness test failed.

***Please remove the liquid (if present), repair or replace the sump, investigate the source of liquid and determine if a release has occurred by conducting a tightness test on the containment sump that meets the requirements of Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. As an unusual operating condition, submit a written report to NHDES that describes the investigation and its conclusions, per Env-Or 406.04(e).***

***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#8 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 tightness test failed.

***Please remove the liquid (if present), repair or replace the sump, investigate the source of liquid and determine if a release has occurred by conducting a tightness test on the containment sump that meets the requirements of Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. As an unusual operating condition, submit a written report to NHDES that describes the investigation and its conclusions, per Env-Or 406.04(e).***

***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#9A 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 tightness test failed.

***Please remove the liquid (if present), repair or replace the sump, investigate the source of liquid and determine if a release has occurred by conducting a tightness test on the containment sump that meets the requirements of Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. As an unusual operating condition, submit a written report to NHDES that describes the investigation and its conclusions, per Env-Or 406.04(e).***

***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#9B 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 tightness test failed.

***Please remove the liquid (if present), repair or replace the sump, investigate the source of liquid and determine if a release has occurred by conducting a tightness test on the containment sump that meets the requirements of Env-Or 406.05 through Env-Or 406.08 or Env-Or 406.15. As an unusual operating condition, submit a written report to NHDES that describes the investigation and its conclusions, per Env-Or 406.04(e).***

***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,



8/18/2022

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ROBERT STOCKMAN, Inspector

Date

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JEFF STONE, Facility Manager

Date

**Important Dates**

Requirement	Tanks	Next Date Due	Frequency
Tank Leak Monitor Test	7, 8, 9A, 9B	5/23/2023	Annual
LLD Function Check	7, 8, 9A, 9B	5/23/2023	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	9A	Failed - Retest Immediately	Every 3 years
Spill Bucket Tightness Testing	7, 8, 9A, 9B	5/23/2025	Every 3 years OR monthly interstice monitoring
Overfill Testing	7, 8, 9A, 9B	8/18/2025	Every 3 years
Primary Containment System Tightness Test	7, 8, 9A, 9B	5/23/2025	Every 3 years
Operator Monthly Checklist			Monthly
JEFF STONE - A Operator Training		12/2/2023	Every 2 years
TOM ASELTON - B Operator Training		10/21/2023	Every 2 years