



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



**Robert R. Scott, Commissioner**

EMAIL ONLY

April 24, 2023

LAUREN SIMONS  
FALCON PETROLEUM, LLC  
GRJH, INC.  
PO BOX 522  
MILLERTON, NY 12546

**Subject: UST Conditional Construction Approval**

**Site: Canterbury,** Cobble Pond Farms, 125 West Road  
NHDES Site #199306030, UST Facility ID #0110079

**Reference: UST System Construction Plan** prepared by Wilcox & Barton, Inc.

Dear Lauren Simons:

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 (USTs) #4A, #4B and #5 system installations. NHDES conditionally approves the application revised March 28, 2023, and plan sheets 1 - 9 of 9 last revised April 7, 2023, 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 referenced above by page number and revision date.
- B. Closure and site assessment:
  - i. A [Closure Notification Form](#) shall be submitted to NHDES **at least 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.
  - ii. Closure and site assessment requirements shall be performed in accordance with Env-Or 408.04 through Env-Or 408.10 for tank and piping removals, sump replacements, and piping replacements (including placed in existing ducts).
  - iii. Any indication of contamination requires immediate notification to NHDES pursuant to the requirements of Env-Or 604.06.
  - iv. Closure shall be supervised by a certified tank remover as described in Env-Or 402.09.
  - v. 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.

[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

- 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).
- D. An owner shall not cause or allow any construction or other activity that is not in accordance with the NHDES approved plans and all terms and conditions of this approval, per Env-Or 407.04(e). The construction of the system shall strictly comply with the NHDES approved plans and specifications. No construction changes will be allowed without prior approval from the New Hampshire licensed professional engineer who stamped the approved plans and NHDES.
- E. Installation of a UST or UST system component shall only be performed by a certified tank installer per Env-Or 407.05(a). A certified tank installer shall be certified by the International Code Council in UST system/retrofitting (certification category U1), **be a qualified installer by the manufacturer of the equipment being installed for every component of the system** and understand federal UST regulations and industry codes and practice, per Env-Or 407.05(b). Installations shall comply with applicable standards and fire codes, per Env-Or 407.05(c) and (d).
- F. The **certified tank installer** is not identified on the application. Prior to starting any UST construction at the site, the owner shall provide written notice to the NHDES plan approval engineer noted below on the projects ICC certified installer. This written notice shall include all Information as required per Env-Or 407.02(m).
- G. 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).
- H. 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).
- I. **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). 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).
- J. The owner shall submit to NHDES a **letter prepared and stamped by a New Hampshire licensed professional engineer** (NH P.E.) at least 8 NHDES working hours prior to an inspection by NHDES, stating that the installed UST system has been inspected by a NH P.E. to verify that the system was constructed in accordance with the NHDES 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).

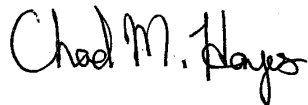
- K. All **line leak detectors** shall be tested in accordance with the manufacturer's requirements. The certified tank installer shall certify that all line leak detectors passed a functionality test and submit the certified test results to NHDES before any regulated substance is dispensed or used for consumption, as applicable, per Env-Or 407.08(d).
- L. All **primary containment systems**, as defined in Env-Or 406.17, for a motor fuel dispensing UST system shall be tested for tightness per Env-Or 406.17(b). This includes any motor fuel dispensing UST system dispensing gasoline, diesel, kerosene, jet fuel or Avgas. The certified tank installer shall provide the passing test results to NHDES, per Env-Or 406.17(e), before any regulated substance is dispensed. **This facility doesn't require the test to be witnessed by a NHDES inspector.**
- M. In addition to the certified tightness testing results required at the backfill inspection per Env-Or 407.08(c) in accordance with 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.
- N. A [UST Registration Form](#), 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).
- O. As part of the UST Registration Form and 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 the **NHDES approved plans, or as-built record drawings** and all terms and conditions of this approval, per Env-Or 404.04(i).
- P. An underground storage facility shall not be operated without designating **Class A, B, and C operators** who have been trained and certified by a training program approved by NHDES, per RSA 146-C:17. Information can be obtained by contacting the Oil Compliance Section Operator Training Specialist, Suzanne Picone, by dialing (603) 271-0673 or by email at [Suzanne.M.Picone@des.nh.gov](mailto:Suzanne.M.Picone@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](#).
- Q. 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.**
- 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. 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.

A permit to temporarily discharge groundwater, pursuant to the New Hampshire Code of Administrative Rules, Env-Wq 402, Groundwater Discharge Permits and Registration, 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 the 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  
Fax: (603) 271-2181  
Email: [Chad.Hayes@des.nh.gov](mailto:Chad.Hayes@des.nh.gov)

Enclosures:     [Closure Notification Form](#) (hyperlink only)  
                      [UST Registration Form](#) (hyperlink only)

cc:       Canterbury Fire Chief  
          David Frothingham III, P.E., Wilcox & Barton, Inc.  
          Derek Clay, NHDES