



Maryland
Department of
the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

July 5, 2016

Mr. Tim Miller
930 Port Street, Inc.
28102 Baileys Neck Road
Easton MD 21601

RE: NOTICE OF NON-COMPLIANCE NNC-OCP-2017-002
Commercial Fuel Systems, Inc.
930 Port Street, Easton
Talbot County, Maryland
Facility I.D. No. 1656

Dear Mr. Miller:

On May 1, 2015, a third-party inspection of the underground storage tank (UST) systems was performed at the above-referenced facility. Results of the inspection revealed violations of Code of Maryland Regulations (COMAR), including those considered by the Maryland Department of the Environment (the Department) and the U.S. Environmental Protection Agency (EPA) as significant operational compliance (SOC) violations. On June 12, 2015, the Department's Oil Control Program issued a *Notice to Correct Underground Storage Tank Deficiencies* letter. In addition, the Oil Control Program provided *Reports of Observations* dated June 26, 2015, February 12, 2016, and March 16, 2016 requiring 930 Port Street, Inc. to perform corrective actions and verify compliance. To date, 930 Port Street, Inc. has failed to submit the requested UST compliance data and comply with COMAR.

During the third-party inspection conducted on May 1, 2015, it was determined that the 8,000-gallon diesel UST, the two 8,000-gallon gasohol USTs, and the 8,000-gallon compartmentalized UST were no longer in service.

UNDERGROUND STORAGE TANK SYSTEM NON-COMPLIANCE

- Did not permanently close the four UST systems that have been temporarily closed for a period longer than 1 year, in accordance with COMAR 26.10.10.01D;
- Did not provide all information required on the registration form, in accordance with COMAR 26.10.03.09C;
- Did not properly install shear valves, in accordance with COMAR 26.10.02.06B, Code for Motor Fuel Dispensing Facilities and Repair Garages (NFPA 30A, 2008 Edition, Chapter 6.3.9);
- Did not protect the vent riser from traffic, in accordance with COMAR 26.10.03.06H.(2);
- Did not test or submit test records for the spill catchment basins, in accordance with COMAR 26.10.03.03A(1)(b);
- Did not properly design, construct, and protect piping that is in contact with the ground from corrosion, in accordance with COMAR 26.10.03.02B;

- Did not operate and maintain the corrosion protection system to continuously provide protection, in accordance with COMAR 26.10.04.02B;
- Did not inspect the corrosion protection system for proper operation, in accordance with COMAR 26.10.04.02D;
- Did not inspect the impressed current cathodic protection system every 60 days to ensure that the equipment is functioning properly, in accordance with COMAR 26.10.04.02F(1)(a);
- Did not perform an assessment of the impressed current system, in accordance with COMAR 26.10.04.02F(1)(b);
- Did not submit cathodic protection test records, in accordance with COMAR 26.10.04.02G(2);
- Did not submit precision test records, in accordance with COMAR 26.10.03.05;
- Did not perform inventory control, in accordance with "Doing Inventory Control Right," US EPA publication 510-B-93-004 1993 and COMAR 26.10.04.01E;
- Did not submit tank release detection records, in accordance with COMAR 26.10.05.06;
- Did not test the line leak detector, in accordance with COMAR 26.10.05.02D(2)(a);
- Did not submit line leak detector test records, in accordance with COMAR 26.10.05.06;
- Did not install, calibrate, operate, and maintain release detection equipment, in accordance with COMAR 26.10.05.01A(2);
- Did not provide records of the calibration, maintenance and repair of the release detection system, in accordance with COMAR 26.10.05.06;
- Did not identify by written list one or more individuals to serve as the Class A, B, and C operator for the facility, in accordance with COMAR 26.10.16.03B(1);
- Did not provide readily accessible written instructions for the facility's UST systems that describe how to respond to operational or equipment alarms, warnings or alert mechanisms, implement the emergency shutoff process, respond to a suspected or confirmed release, unusual operating condition, emergency and equipment failure and notify the Department of a release, in accordance with COMAR 26.10.16.03B(3);
- Did not provide emergency telephone numbers for contacting persons responsible for the facility in the event of a suspected or confirmed release, unusual operating condition, emergency and equipment failure, in accordance with COMAR 26.10.16.03B(4);
- Did not conspicuously post emergency telephone numbers on a sign not less than 8 by 10 inches in size with lettering not less than one inch high visible to the public for an unattended facility, in accordance with COMAR 26.10.16.03B(4)(b);
- Did not have a Class C operator immediately accessible by telephone for an unattended facility, in accordance with COMAR 26.10.16.04D(5)(b)(i);
- Did not have a Class C operator of the unattended facility on site within two hours of a request, in accordance with COMAR 26.10.16.04D(5)(b)(ii);

The aforementioned findings constitute non-compliance with Maryland law as stated above. Based on this non-compliant status, the Department hereby informs 930 Port Street, Inc. that the following corrective actions must be performed **no later than August 8, 2016:**

1. Properly abandon all UST systems by removal in the continuous on-site presence and under the direction of a Maryland-certified UST remover or technician in accordance with COMAR. Submit written notification of your intent to remove the USTs at least 15 days prior to beginning removal and provide verbal notification to the Oil Control Program at 410-537-3442 at least 72 hours prior to beginning the closure to schedule an inspection with the assigned case manager.

Mr. Tim Miller
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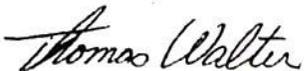
2. Perform an assessment of the tank and piping excavation to determine if there is evidence of a release. The assessment must include sampling of the soil and groundwater (if present) in accordance with the following:
 - Minimum of two samples below each tank;
 - Minimum of one sample at 20-ft. intervals along each piping trench;
 - Minimum of one sample below each dispenser;
 - Analyze all samples collected for full-suite volatile organic compounds (VOCs), including fuel oxygenates and naphthalene, using EPA Method 8260 and for total petroleum hydrocarbons - diesel and gasoline range organics (TPH-DRO and GRO) using EPA Method 8015B.
3. Submit an amended UST registration to the Oil Control Program, 1800 Washington Boulevard, Suite 620, Baltimore, Maryland 21230-1719.
4. Submit a *UST Closure Report* to the above address (Attn: Mr. Matt Mueller). The *Report* must include, but not be limited to: description of activities associated with the removal; condition of the tanks and piping; field screening results; site sketch; photographs; copies of receipts for soil and tank disposals; and copies and brief summary of the laboratory analytical results.

A list of Maryland-certified UST removers and technicians and a blank UST registration form are available on the Department's web site at:

http://www.mde.state.md.us/programs/Land/OilControl/UndergroundStorageTanks/Pages/Programs/LandPrograms/Oil_Control/usthome/ustcertification_programs.aspx

Failure to properly close the substandard USTs may result in enforcement action, which could include the issuance of civil penalties, and other legal sanctions. If you have any questions, please contact Regional Inspector Matthew Mueller at 410-537-3574 (matthew.mueller@maryland.gov), Regional Supervisor Michael Jester at 410-537-3024 (michael.jester@maryland.gov), or me at 410-537-3442 (tom.walter@maryland.gov).

Sincerely,



Thomas L. Walter, Chief
Compliance Division
Oil Control Program

MJ/nln

cc: Mr. Michael Jester
Mr. Mathew Mueller
Mr. Christopher H. Ralston
Ms. Hilary Miller