



**United States Environmental Protection Agency Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912**

Via Electronic Mail *(date indicated on electronic signature)*

Chris Lynch, Airport Manager
Nashua Airport Authority
Nashua Airport Boire Field
93 Perimeter Road
Nashua, NH 03063
chrislynch@nashuaairport.com

Re: U.S. Environmental Protection Agency ("EPA") April 11, 2023, Site Inspection Report for Compliance with Oil Pollution Prevention Regulations at 40 Code of Federal Regulations ("C.F.R.") Part 112, and National Pollutant Discharge Elimination System ("NPDES") Regulation at 40 C.F.R. Part 122.

Dear Mr. Lynch:

On April 11, 2023, EPA inspectors conducted an announced site inspection at Nashua Airport Boire Field (the "Facility"). The inspection included, among other things, review of oil storage and distribution operations, runoff and potential spill paths, and discharge locations to surface waters from airport property.

Under 40 C.F.R. §112.1(d)(2)(ii), the Facility is subject to the federal Oil Pollution Prevention Regulations and required to develop and implement an oil spill prevention, control, and countermeasure ("SPCC") plan. The Facility's total oil aboveground storage capacity is reported to be 40,000-gallons and oil from a spill has reasonable potential to discharge to surface waters, i.e., Spectacle Brook and/or neighboring wet areas.

Prior to the site inspection on February 9, 2023, the Facility provided EPA's inspector with a copy of the Facility's June 10, 1991, SPCC plan. On February 10, 2023, the inspector from my office informed you the plan is deficient and requires amendment. Among other deficiencies, EPA informed you that the plan does not include a facility diagram, containment calculation, tank testing and inspection schedule, and operator information for oil transfer activities for tanker trucks and tank farm. On April 16, 2023, you informed EPA the Facility is in the process of having the plan amended.

According to Facility personnel, the Facility owns the fuel oil tank farm while Infinity Aviation, a tenant of the airport, operates the tank farm and oil transfer activities which include several mobile refueler trucks operating on airport property. Infinity Aviation's management and operation for oil on airport property needs to be included in the amended plan.

On April 20, 2023, the Facility provided EPA's inspector with a copy of a tank inspection report for Tank No. 2 which was prepared by an outside professional engineering company. The report included recommendations. Recommendations need to be included

in the amended plan. For Tank No. 1, the tank's last inspection was conducted on August 14, 2012. According to state tank testing regulations (Env-Wm 1402.29) for tanks having a capacity of 5,100-gallons and greater, tanks are required to be reinspected at 10-year intervals (5-year intervals if containing gasoline), or sooner if recommended by the tank inspector.

Under 40 C.F.R. §122.26(b)(14)(i)-(xi), stormwater discharges associated with specific categories of industrial activity are to be covered under a NPDES permit. 40 C.F.R. §122.26(b)(14)(xiii) identifies transportation facilities that have vehicle maintenance, equipment cleaning, or airport deicing operations as industrial activities. On August 20, 2021, the Facility reapplied for coverage under EPA's March 1, 2021, Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("2021-MSGP"). Pursuant to the 2021-MSGP, existing operators were to reapply for coverage no later than May 30, 2021.

The Facility's primary standard industrial classification ("SIC") code is 4522¹, and therefore, its industrial stormwater discharges are subject to, among other things, conditions in Sector S (Air Transportation) in the 2021-MSGP. The Facility reported having six outfalls that discharge into Spectacle Brook. Pursuant to the 2021-MSGP, discharges from airport operations are to be sampled for indicator monitoring parameters, i.e., polycyclic aromatic hydrocarbons (PAHs). Sampling for PAHs must be conducted bi-annually (i.e., sample twice per year) in the first and fourth years of permit coverage. On April 19, 2023, EPA notified the Facility about missing monitoring data for PAHs, and on April 20, 2023, the Facility informed EPA that it was in the process of resolving the matter.

On April 20, 2023, the Facility provided EPA's inspector with a copy of the Facility's July 30, 2021, Stormwater Pollution Prevention Plan ("SWPPP"). The SWPPP does not address the following issues: sampling and submission requirements for PAHs to EPA, implementation responsibilities between the airport authority and multiple operators/tenants² for complying with certain MSGP components; identifying certain monitoring and outfall locations (i.e., discharge points); discharge controls for potential prohibited non-stormwater discharges from aircraft, and ground vehicle, runway and equipment wash waters.

The Facility's Aircraft Wash Plan and SWPPP refer to a designated aircraft wash location, but are unclear regarding ultimate discharge point, wash waters disposal method, and other airport vehicle and equipment washing activities. Additionally, SWPPP site maps should show areas for industrial activities listed in the site description section of the SWPPP and activities in Sector S of the 2021-MSGP.

¹ <https://www.osha.gov/sic-manual/4522>. Establishments primarily engaged in furnishing nonscheduled air transportation. Also included in this industry are establishments primarily engaged in furnishing airplane sight-seeing services, air taxi services and helicopter passenger transportation services to, from, or between local airports, whether or not scheduled.

² Tenants that routinely perform industrial activities on airport property may be considered "operators" under the MSGP and may require their own coverage under the MSGP if not included in the Facility's SWPPP.

EPA reviewed stormwater annual reports submitted by the Facility to EPA pursuant to the 2021-MSGP. The Facility submitted annual reports to EPA for reporting year 2021 on January 28, 2022, and for reporting year 2022 on February 2, 2023. Annual reports must be submitted to EPA by January 30th of each year for the previous calendar year's activities. Further, the reports indicate during routine quarterly inspections, the Facility had collected samples for visual inspection during routine quarterly inspections when there were no stormwater discharges observed at the time. Based on EPA's review of historical airport precipitation data³ on the dates when the Facility reported inspections, for inspection dates March 1, 2021, and September 30, 2022, there did not appear to be any precipitation.

We have also attached to this letter and inspection report pictures taken during the inspection (some of which may contain comments shown in parentheses). EPA is requesting that you amend the Facility's SWPPP and SPCC plan, and address the issues and deficiencies presented in this letter and the attached photographs. EPA is requesting that the Facility provide a written response to the issues raised, findings identified, and the comments in the photographs **within 45-days of receipt of this letter**. Please send your response electronically to Mr. Joseph Canzano, EPA Region 1 Oil Spill Prevention Enforcement Officer, at canzano.joseph@epa.gov.

If you have any technical questions regarding your responsibilities under EPA's Oil Pollution Prevention Regulations or the 2021-MSGP, contact Mr. Canzano at (617) 918-1763 or by e-mail. We are also providing a link to EPA's Small Business Resources Information Sheet.⁴ Finally, please confirm your receipt of this correspondence by providing Mr. Canzano with an email response.

Sincerely,

**TODD
BORCI**

Todd Borci, Supervisor
Water Technical Unit 1

Enforcement and Compliance Assurance Division

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TODD BORCI

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Enclosures: (electronic)
Inspection Report/Pictures

Rob Bishop, NHDES, robert.bishop@des.nh.gov
Gregory Lison, Infinity Aviation, greg@infinityfbo.com

³ <https://www.wunderground.com/history/daily/us/nh/nashua/KASH/date/2022-11-16>

⁴ <https://www.epa.gov/compliance/small-business-resources-information-sheet>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

Enforcement & Compliance Assurance Division
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Subj: Inspection Report - Clean Water Act

Inspector: Jerome Keefe, Inspector
keefe.jerry@epa.gov
Laboratory Services and Applied Science Division
Field Service Branch

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Joseph Canzano, Inspector
canzano.joseph@epa.gov
Enforcement & Compliance Assurance Division
Water Technical Unit 1

**JOSEPH
CANZANO** Digitally signed by
JOSEPH CANZANO
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I. Facility Information

- A. *Facility Owner:* Nashua Airport Authority
- B. *Facility Operator:* Nashua Airport Boire Field (Operator)
93 Perimeter Road
Nashua, NH 03063

42.7822° N
71.5139° W

- C. *Facility Operator
Contact/s:* Chris Lynch, Airport Manager
chrislynch@nashuaairport.com
(603) 882-0661

Gregory Lison, Chief Executive Officer
Bob Rennie, Fuel Farm Operations
Infinity Aviation
greg@infinityfbo.com
(603) 598-4526

D. *ID No(s):* ICIS- NPDES¹ MSGP² (NHR053108)
National Oil Data Base (R1-NH-00301)
Facility Registry Service ID (110066901464)

II. Background Information

E. *Date(s) of inspection:* April 11, 2023

F. *Weather Conditions:* Overcast, 47-degree Fahrenheit
Previous 30-Day Rainstorm Events³:
March 14th - .87”
April 1st - .45”
April 2nd - .75”

G. *US EPA Inspector(s):* Joseph Canzano and Jerry Keefe

H. *State/Local Representative(s):* None

I. *Federally Enforceable Requirements Covered During the Inspection:*

- 40 C.F.R. Part 112, Oil Pollution Prevention Regulations
- 40 C.F.R. Part 122, Industrial Stormwater Regulations

III. Type and Purpose of Inspection

The purpose of the site inspection is to view Facility operations associated with oil storage and transfer, locations where portable and mobile oil storage containers are located, spill containment and runoff controls from industrial operations and activities. The inspection also included viewing certain airport discharge outfall locations to surface waters.

IV. Disclaimer:

Unless otherwise noted, this report describes conditions at the Facility as observed by EPA inspector/s, and/or through records provided to and/or information reported to EPA by Facility and as understood by EPA. This report may not capture all operations and activities ongoing at the Facility. This report does not make final determination/s on potential areas of concern and/or deficiencies. Nothing in this report affects EPA’s authorities under federal statutes and regulations to pursue further investigations.

¹ National Pollutant Discharge Elimination System

² Multi-Sector General Permit

³ <https://www.wunderground.com/history/monthly/us/nh/newington/KPSM/date/2023-3>. The inspector selected days when daily rainfall amount recorded greater than 1/4-inch.

V. Facility File Review

According to Federal Emergency Management Agency (“FEMA”) flood information,⁴ certain sections of the Facility are identified in a Flood Hazard Zone and have reasonable potential to discharge pollutants including oils directly and/or indirectly to Spectacle Brook and/or an unnamed pond and neighboring wet areas. EPA recommends the Facility review store locations for mobile and portable containers, industrial materials, chemicals and other waste and place, if possible, above potential flood elevation. For more information about preparing for natural disasters and resilience go to: <https://www.epa.gov/natural-disasters/flooding>, and https://www.epa.gov/sites/default/files/2015-08/documents/flood_resilience_guide.pdf.

On August 20, 2021, the Facility reapplied for coverage under EPA’s March 1, 2021, Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (“2021-MSGP”) by submitting a Notice of Intent (“NOI”) to EPA to discharge stormwaters and allowable non-stormwaters associated industrial activities. The NOI identified the Facility’s primary standard industrial classification (“SIC”) code as 4522, and Sector S-Air Transportation as the applicable sector within the 2021-MSGP, and six outfall points to Spectacle Brook. The EPA authorized discharge/s from the Facility on October 19, 2021⁵. Coverage under the 2021-MSGP is scheduled to expire on February 28, 2026.

Pursuant to the 2021-MSGP, existing operators of industrial activities whose stormwater discharges were covered under the 2015-MSGP are to reapply for coverage no later than May 30, 2021. The Facility reapplied for coverage on August 20, 2021. Filing for coverage late is a deficiency.

Pursuant to the 2021-MSGP, discharges from Sector S operations are to sample for indicator monitoring parameters, i.e., polycyclic aromatic hydrocarbons (PAHs). Sampling for PAHs are conducted twice per year, in the first and fourth years of permit coverage, and be submitted to EPA. The EPA has no record of the Facility submitting stormwater indicator monitoring data for PAHs. Not sampling and/or submitting data is a deficiency.

On April 20, 2023, the Facility provided EPA with a copy of the Facility’s July 30, 2021, Stormwater Pollution Prevention Plan (“SWPPP”). The SWPPP doesn’t fully address, sampling and submission requirements for PAHs to EPA; implementation responsibilities between airport authority and multiple operators/tenants who routinely perform industrial activities and potentially discharge allowable stormwaters on airport property and may require individual coverage under the MSGP; identify/clarify monitoring verses outfall points/locations (i.e., discharge points); discharge control/s for potential prohibited non-stormwater discharges from aircraft; ground vehicle, runway and equipment wash waters.

⁴ <https://msc.fema.gov/portal/home>

⁵ NHR053108

The Facility's Aircraft Wash Plan and SWPPP addresses the subject of a designated aircraft wash location but is unclear regarding ultimate discharge point or disposal method, and for other airport vehicle and equipment washing requirements.

Additionally, SWPPP site maps should show areas of Facility industrial activities listed in the site description section of the SWPPP and pursuant in the 2021-MSGP under Sector S. For example, the maps do not show a location for the oil tank farm and parking locations for oil tanker trucks and/or other mobile and portable oil or other chemical containers, aircraft, vehicle, and equipment washing area/s, and ground vehicles and equipment awaiting maintenance. For more information on SWPPP development go to: <https://www.epa.gov/npdes/industrial-stormwater-guidance>.

EPA reviewed stormwater annual reports submitted by the Facility to EPA pursuant to the 2021-MSGP. Annual reports are to be submitted to EPA by January 30th of each year for the previous calendar year activities. The Facility submitted annual reports to EPA for reporting year 2021 on January 28, 2022, and for reporting year 2022 on February 2, 2023. Further, the reports indicate that the Facility had collected samples for visual inspections during routine quarterly inspections when there were no stormwater discharges observed at the time of inspections. Based on EPA's review of historical airport precipitation data⁶ on the dates when inspections had been reported, for inspection dates March 1, 2021, and September 30, 2022, there did not appear to be any precipitation. For more information stormwater visual analytical monitoring go to: https://www.epa.gov/sites/production/files/2015-11/documents/msgp_monitoring_guide.pdf.

The SWPPP indicates that the airport maintains a Spill Prevention, Control & Countermeasures ("SPCC") plan describing, among other things, measures the airport implements to prevent and mitigate the impacts of oil discharges to surface waters. On February 9, 2023, the Facility provided EPA with a copy of the Facility's June 10, 1991, SPCC plan. On February 10, 2023, EPA informed Facility personnel that the plan is deficient and requires amendment. Among other deficiencies, the plan doesn't include a facility diagram, containment calculation for tank farm, tank testing and inspection schedule, and operator information for oil transfer activities for tanker truck/s and tank farm and responsibilities associated with oil spill detection and response actions.

VI. In-Briefing

On January 27, 2023, EPA inspector Joe Canzano contacted Chris Lynch, Airport Manager, and announced an EPA inspection for February 23, 2023. Due to unforeseen weather and personal conditions, EPA and the Facility postponed the inspection to April 11, 2023.

On April 11, 2023, EPA inspectors, Joe Canzano and Jerry Keefe, arrive at the site at approximately 9:00 a.m. and were greeted by Facility representatives Chris Lynch, Gregory Lison, and Mr. Bob Rennie. Mr. Lynch explained that Mr. Lison and Mr. Rennie are associated with Infinity Aviation. Mr. Lison is the Chief Executive Officer for Infinity Aviation while Mr. Rennie manages the oil fuel farm and movement/transfer operations for the company.

⁶ <https://www.wunderground.com/history/daily/us/nh/nashua/KASH/date/2022-11-16>

Inspectors presented credentials and requested permission to conduct a site inspection. Facility representatives granted access. Facility representatives and inspectors reviewed health and safety protocols and logistics for conducting the inspection. The inspection includes, but not limited to, a review of oil tank farm and transfer operations, location for parking oil tanker trucks, runoff and potential spill path/s direction, and discharge points/outfalls. Inspectors inform Facility representatives pictures may be taken.

Facility personnel explain total oil aboveground storage capacity for the airport is 40,000-gallons. The Facility owns the oil tank farm, two 20,000-gallon aboveground tanks for aircraft operations; 20,000-gallon aviation fuel oil and 20,000-gallon jet fuel oil. Facility personnel inform inspectors the airport doesn't own or operate other regulated oil containers other than the fuel farm. Infinity Aviation, a tenant of the airport, operates the day-to-day tank farm and oil transfer activities while reporting and response activities for an oil spill is shared with airport operations. Infinity Aviation operates several mobile refueler trucks for refueling aircraft with onboard oil storage capacity ranging from 1,000-gallons to 3,000-gallons. Refuelers maybe parked with more than residual amount of oil in compartments and in one of two locations on airport property. The refuelers are not registered or licensed for transporting oil over-the-road – they remain on airport property.

VII. Site Inspection

Facility personnel escorted the inspectors to the parking location for mobile refuelers. The parking area is next to Building 117 and the office for Infinity Aviation. The Facility has a second location for parking refuelers shown later to the inspectors. The pavement area for parked refuelers is pitched to a nearby storm drain, and runoff and/or spill from equipment in the area has potential to flow into the drain. Facility personnel indicated that the liquid path would ultimately drain to Outfall 001. Inspectors recommend a spill mat be kept in close proximity to the drain to prevent oil from entering airport underground drainpipe system.

Inspectors observed three parked refuelers, two 3,000-gallon tanker trucks and one 1,000-gallon tanker truck. Infinity Aviation representatives informed inspectors oil compartments in certain trucks were full, refuelers are not routinely parked full for extended periods of time, and oil was transferred from the 20,000-gallon jet fuel oil storage tank to refuelers because the tank is scheduled for formal inspection later in the week by an outside tank inspection company.

Infinity Aviation personnel informed inspectors that the refuelers are leased and inspected annually by an outside company while Infinity Aviation personnel inspect trucks daily. Inspectors recommend Facility personnel periodically review spill prevention equipment kept in refuelers and stage a spill drill for all oil handling personal. The drill could be part of the airport's stormwater training requirements.

The inspection team walked to the fuel farm. The fuel farm and portion of the access road leading to it is higher in elevation than Perimeter Road. Runoff or an oil spill escaping the tank farm transfer pad may flow into a street drain near Perimeter Road. Facility personnel inform inspectors the drain is connected to a nearby drainpipe which was later shown to inspectors. Inspectors recommend the area around the drain be cleaned and obtain a spill mat.

At the fuel farm, inspectors observed, among other things, two above ground horizontal oil tanks and associated vent and fill pipes, tank farm containment system and loading/unloading pad, transfer pumps and piping, and security controls. The loading/unloading pad is concrete and is pitched toward a drain which connects to the fuel farm spill containment system. Infinity Aviation personnel explain to inspectors, among other things, the company's oil transfer procedures for loading/unloading between tanker trucks and tanks, daily routine inspection and operating procedures, and security measures. Inspectors were informed that the electronic high level audible and visual overfill alarm system for oil tanks are tested annually by an outside contractor and is not performed during routine inspections. Inspectors inform Facility representatives certain technical oil storage standards⁷ recommend an audible and visual overfill alarm system be tested, at least, monthly and prior to a transfer.

Inspectors were shown a control valve stem for a gate valve that is used for draining water from the tank farm spill containment system. Infinity Aviation personnel explain the procedure for removing/draining water from the system. A T-wrench handle is used to connect to the stem which open and/or close the gate valve. When open, water flows from the system into a pipe that drains to a nearby trench which leads into the airport's drainage system that flows to Outfall 001. Additionally, containment water, prior to release, is inspected for the presence of oil and sheen but drainage records may not have been fully maintained. Facility personnel show inspectors the discharge pipe connected to the containment system, runoff or potential spill drain path to an earthen trench and connection to airport drainage system. The inspectors recommend the runoff and potential spill path be added to site diagrams.

The group drove to the second location for parking mobile refuelers operated by Infinity Aviation. The location is next to the airport control tower and Building 81. The location/area is a sump pad and can contain a certain amount of oil in the event of a spill from a truck. Inspectors observe two refuelers parked in the sump pad, a 5,000-gallon tanker truck and a 1,000-gallon vintage tanker truck. The back of the 5,000-gallon refueler was not fully parked in sump pad. Infinity Aviation personnel explained to inspectors that the 5,000-gallon refueler is onsite temporarily for supplemental storage of jet fuel then it will be removed from the Facility. According to Facility personnel, the sump pad and surrounding area drains flow to Outfall 001. The group drove to Outfall 001 and Outfall 002 located on Perimeter Road. Facility personnel explain street drains for Perimeter Road also contribute to runoff flow to the outfalls and outfalls are monitored by Facility personnel under the stormwater program.

VIII. Closing Conference

Following the site walk the inspectors reviewed certain issues and observations with Facility representatives and recommended the 1991 SPCC plan be amendment as soon as possible, fully implement inspection requirements required by regulation, and Infinity Aviation's management of airport fuel farm operations is to be included in the amended plan.

The inspectors exited the Facility at approximately 12:10 p.m. End of report.

⁷ Steel Tank Institute, Standard for the Inspection of Aboveground Storage Tanks, SP001.