

New Mexico Environment Department Petroleum Storage Tank Bureau 2905 Rodeo Park Drive East, Bldg. 1 Santa Fe, NM 87505 (505) 476-4397

List of Compliance Concerns

Date: 28-Feb-14

9539

I. Facility, Ownersh	ip, and Operator Inforr	mation						
Facility Name: Josi	e's Country Market			Faci	lity Number:	54493	Ph	one:
Facility Address: 1612	2 Sacramento Drive				City: Timber	on	Zip	Code: 88350
Owner Name: Van	Curen, Josie E.			Owi	ner Number:	75593	Ph	one:
Owner Address: PO B	ox 403		City: Timberon		State: Ne	w Mexico	, I	Zip Code: 88350
Operator Name: Sa	ame as Owner						Ph	one:
Operator Address:			City:		State: Ne	w Mexico		Zip Code:
II. Violation(s).								
PSTR No.: 2.16	Occurrences: 1	Descrip	tion: Failure to pr	ovide	correct maili	ng address (L	evel C)	
PSTR No.: 3.8	Occurrences: 1	Descrip	tion: Failure to pa	y anr	nual tank fees	(Level C)		
PSTR No.: 5.10.I(1)	Occurrences: 1	Descrip	tion: Failure to in:	spect	AST interstice	monthly (Le	evel C)	
PSTR No.: 8.9.A[4]	Occurrences: 1	Descrip	tion: Failure to m	onito	r AST system r	monthly for r	eleases	(Level B)
PSTR No.: 9.903.A	Occurrences: 1	Descrip	tion: Failure to pr	ovide	proof of finar	ncial respons	ibility (Level C)
PSTR No.: 18.12.A	Occurrences: 1	Descrip	tion: Failure to m	eet d	eadline for Op	erator Traini	ng	
personally observed	the violation(s) cited a	bove						
Che o	Dolwin			+	1 (575) 524-6	\$300	2/28/20	014
Compliance Offi	cer's Signature				Number		Date Date	
On-site Represe	entative's Signature			Date				



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ Lieutenant Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Petroleum Storage Tank Bureau

2905 Rodeo Park Drive East, Building 1 Santa Fe, New Mexico 87505 Telephone (505) 476-4397 Fax (505) 476-4374

www.nmenv.state.nm.us



Ryan Flynn Cabinet Secretary - Designate

BUTCH TONGATE
Deputy Secretary

Warning of Significant Compliance Concerns

Notice to:	Van Curen, Josie E.		75593
	Facility Owner		Owner ID
	Same as Owner		
	Facility Operator		
	Josie's Country Market		54493
	Facility Name		Facility ID
	February 28, 2014	9539	
	Date	LCC #	

As indicated in the attached Inspection Report, your facility has been cited for significant compliance violations that, if not addressed, could result in a release to the environment. It is important that you correct these violations as soon as possible. The inspector, Joe Godwin (print name) is referring this matter to management for potential enforcement. You may receive additional documentation from the Petroleum Storage Tank Bureau concerning the violations cited. If you have questions, you may contact Kalvin Martin, Program Manager, at 505-476-4390.



Petroleum Storage Tank Bureau 2905 Rodeo Park Drive East, Bldg. 1 Santa Fe, NM 87505 Phone: 505.476.4397

Fax: 505.476.4374

www.nmenv.state.nm.us/ust/ustbtop

Inspection Report

Page 1 of 6

Inspection Type: Complia	nce	Case Num	ber: 2570		Inspection	Start Time	: 10:45:00	0 AM	Date:	27-Feb-14
I. Facility Name: Josie's	Country Market					Facility II	D: 54493	Phone	::	
Address: 1612 Sacramento Di	rive				City	: Timbero	n	Z	ip Code	e: 88350
E-mail:		Access to pro	perty autho	rized l	oy:			LUS	Γ Site:	No
II. Owner Name: Van Cu	ıren, Josie E.					Owner ID): 75593	Phone	:	
Address: PO Box 403				City: 7	Гimberon		State: NN	М	Zip Co	ode: 88350
Contact Name:				E-mail	:					
III. Operator Name: Sam	e as Owner							Phone:		
Address:				City:			State:		Zip Co	ode:
Contact Name:				E-mail	:					
IV. Class A/B Operator N	ame: None			Pl	hone:		E-mail:			
Address:				City:			State:		Zip Co	ode:
V. NMED Compliance Of	ficer's Name: Jo	e Godwin		Pl	hone: 575.5	24.6300	E-mail:	joe.godw	in@sta	te.nm.us
Address: 1170 North Solan	o Drive, Suite M			City:	Las Cruces		State: NN	M	Zip Co	ode: 88001
VI. Tank Number:	37109									
Tank Type:	AST									
Size:	8,000 (6K/2K)									
Contents:	B03/B02									
Installation Date:	18-Feb-2005						_			
Tank Construction:	A01/A06									
Tank Secondary Containment:	S16									
Piping Construction:	F01/89/10/09									
Piping Secondary Containment:	S17									
Other Secondary Containment:	S06/S08									
Corrosion / Cathodic Protection:	C19/C20									
Tank Release Detection:	H11									
Piping Release Detection:	G18									
Spill & Overfill:	108/109									
Tank Status:	TOS									

Facility ID Number: 54493 Case Number: 2570

1. Registration	Yes	No	Unk	N/A	Level
A. Are all applicable tanks registered? (20.5.2.8.A - UST / 2.8.B - AST / 2.8.C - EG Systems)	✓				С
B. Have annual tank fees been paid? (20.5.3.8)		X			С
C. Current & Valid Registration Certificate on-site? (20.5.2.15)		X			С
D. Notification of transfer of ownership submitted per (20.5.2.9.A).			X		С
E. Owner has correct mailing address on file with Department per (20.5.2.16).		X			С
2. Release Prevention					
A. Spill Prevention Equipment.					
1. Equipment is present? (20.5.4.33 - AST / 20.5.4.33.A(1) - UST)	√				A
2. Equipment is free of tears, rips, or damage. (20.5.5.14[1] - UST / 20.5.5.14[2]/[18]- AST)				1	В
3. Equipment has adequate volume to contain spills. (20.5.5.14[7] - UST / 5.14[8] - AST)				√	В
4. Equipment free of regulated substance, debris, water, or other liquids. (20.5.5.14[5]/5.14[6])				1	С
5. Equipment free of minor damage. (20.5.5.14[20] - UST/5.14[21] -AST)				√	С
6. Equipment free of other functional or operational defects. (20.5.5.14[96]-UST/5.14[97]- AST)				1	С
7. Spill bucket plow ring is operational/functional. (20.5.5.14[9]-UST/5.14[10]- AST)				√	С
8. AST in secondary containment exempt from spill prevention. (20.5.5.14[17])				✓	В
B. Overfill Prevention Equipment.					
1. Equipment is present? (20.5.4.33.A(1) - UST / 20.5.4.33.A(2) - AST)	✓				A
2. Equipment is operational/functional? (20.5.5.14[3]/[13]/[14]-UST/20.5.5.14[4]/[15]/[19])-AST)				√	В
3. Alarm for AST system is audible and visible to delivery driver? (20.5.4.33.A.(3)(b))				√	В
4. Alarm for UST system is audible or visible to delivery driver? (20.5.4.33.A.(2)(b))				V	В
5. Ball float is present. (20.5.4.33.A(2)) - UST				√	Α
6. Drop tube style equipment installed per installation instructions.(20.5.5.14[11]/20.5.5.14[12])				✓	С
7. Equipment free of other operational or functional defects. (20.5.5.14[98] / 20.5.5.14[99])				✓	С
8. AST in secondary containment exempt from overfill prevention. (20.5.5.14[16])				✓	В
C. Corrosion Protection.					
1. Steel Tank System has cathodic protection. (20.5.4.8 - UST /20.5.4.16.A - AST)				√	Α
2. Steel Piping/ancillary equipment corrosion protection maintained. (20.5.4.20.A[1] / 4.20.A[2])				√	В
3. Corrosion protection equipment is operational. (20.5.5.15.A[1] - UST / 20.5.5.15.A[2] - AST				✓	В
4. Impressed Current System is inspected every 60 days.(20.5.5.15.C[1] - UST/5.15.C[2] -AST)				✓	В
5. Cathodic Protection System is tested every 3 years.(20.5.5.15.B[1] - UST/5.15.B[2] - AST)				✓	В
a. Most Recent Test Date:					
b. Previous Test Date:					
6. Cathodically protected tank system tested within 6 months of repair. (20.5.5.17.E)				√	С
7. Internally lined UST is operated and maintained per (20.5.4.13.B(1)).				1	В
Date of last internal inspection:					
'				√	С
8. Existing UST system meets upgrade requirements. (20.5.4.13)				· /	В
9. Buried metal flex connector is protected from corrosion. (20.5.4.20.A[1]/4.20.A[2])				V	С
10. Corrosion protection free of minor defects, proper O&M. (20.5.15.A[3] / 5.15.A[4])				./	В
11. Steel AST secondary containment cathodic protection maintained. (20.5.5.10.H[3]) D. Secondary Containment.				•	
•	1				A
1. Secondary containment for above-ground tank is present? (20.5.4.29[1] - AST)	V				C
2. Secondary containment for piping is present? (20.5.4.15.A - UST / 20.5.4.24 - AST)	V			√	С
3. Secondary containment for underground tank is present? (20.5.4.15.A - UST).	/			٧	В
4. Secondary containment is functional? (20.5.5.10 - AST/5.11 - UST)	V			.1	С
5. Vaulted AST inspected, operated, maintained, and repaired as required. (20.5.5.12/5.12.B)				V	В
6. Interstice of double-walled AST is operated and maintained as required? (20.5.5.10.1 - AST)				✓	С
7. Secondary containment is free of fuel, debris, and water? (20.5.5.11.B[2] - UST)				✓	В
8. Secondary containment has adequate volume to contain spills. (20.5.5.11.B - UST)				V	С
9. Secondary containment is free of minor functional/operational defects. (20.5.5.11[2] - UST)				V	С
10. Secondary containment is of appropriate volume? (20.5.4.29.A(3)) - AST				V	U

Facility ID Number: 54493 Case Number: 2570

Tacility ID Nulliber: 54495 Case Nulliber: 2570					
D. Secondary Containment.	Yes	No	Unk	N/A	Level
11. Under-dispenser containment is present? (20.5.4.15.A(2) - UST / 20.5.4.32 - AST)	✓				С
12. Secondary containment for loading rack(s) present? (20.5.4.34)				✓	С
13. Transition sump is present? (20.5.4.20.D)	✓				С
14. AST secondary containment is free of debris and liquid? (20.5.5.10.C)				√	С
E. Compatibility				•	
1. Tank compatible with the regulated substance stored? (20.5.4.8[2] - UST/4.16[2] - AST)	1				С
2. Piping is compatible with the regulated substance stored? (20.5.4.20.B)			X		С
3. AST secondary containment compatible with regulated substance in tank? (20.5.4.29.A(2))				√	С
4. All ancillary equipment that routinely holds product is compatible?(20.5.5.16)			X	·	С
3. Release Detection					
A. Tanks					
1. Applicable method of release detection present. (20.5.6.8.A - AST / 20.5.6.9 - UST)	√				Α
2. UST method being operated per (20.5.6.9.A(1)/(2)/(3)/6.12/6.13/6.14/6.15/6.16).	V			√	В
3. AST method is being operated per (20.5.6.8(1)/(2)/(3)/6.20/6.21/6.22)				./	В
4. Release detection records are maintained per (20.5.6.24/6.25).				▼	С
5. UST method upgraded from inventory control after 10 years. (20.5.6.9.C(1))				√	В
6. Tanks are monitored monthly for releases. (20.5.6.9.C - UST/20.5.6.10.A[1] - AST)		X		V	В
				1	С
7. Equipment is free of minor functional/operational defects. (20.5.6.8 / 20.5.6.9.A[2])				√	В
8. Tank gauging stick is not broken, damaged, or warped. (20.5.6.13.C[2] - UST)				√	С
9. Tank(s) checked for water monthly? (20.5.5.8.F - AST/20.5.6.13.G - UST)				√	С
10. AST tightness test performed within required time frame. (20.5.6.8.D/6.10.B)				√	
11. UST systems installed after 4/4/2008 are interstitially monitored. (20.5.6.9.D[2] - UST)		•		√	B C
12. AST interstice is checked monthly. (20.5.5.10.I(1) / 6.20.A[2])		X			C
B. Piping					Λ
1. Applicable method of release detection present. (20.5.6.8.A/6.9/6.11.A(1)/6.11.A[3])				√	A B
2. AST underground piping tightness test within time frames per (20.5.6.11.A[4] / 6.11.C)				✓	В
3. UST underground piping tightness test within time frames per (20.5.6.11.A(2) / 6.11.B[2]).				v	ь
Dates of previous and current tightness test for underground piping (AST or UST) a. Most Recent Test Date:					
b. Previous Test Date:					
5. Line tightness test meets requirements. (20.5.6.23.B[1] - UST/20.5.6.23.B[2] - AST)				√	В
6. ALLD functionality tested within last 12 months. (20.5.6.23.A[1] / 20.5.6.23.A[2])				✓	В
7. Dates of previous and current functionality tests on ALLD.					
a. Most Recent Test Date:					
b. Previous Test Date:					
8. ALLD capable of detecting leak per 20.5.6.23.A[3] - UST/20.5.6.23.A[4] - AST)				√	В
9. Interstitial monitoring has automatic shutoff. (20.5.6.23.D.[1] / 20.5.6.23.D[2])				1	В
10. Equipment is appropriate for type & volume (20.5.6.23[1] / 20.5.6.23[2])				1	В
11. All surfaces readily visible for AST above-ground piping. (20.5.6.23.E)				√	В
12. Records/documentation maintained per (20.5.6.24 & 20.5.6.25).				√	С
13. Release detection operated per regulations. (20.5.6.8.A(1)/(2)/(3) & 6.9.A(1)/(2)/(3))				√	В
14. Piping is monitored monthly for releases. (20.5.6.11.E[1] - UST / 20.5.6.11.E[2] - AST)				1	В
C. Interstitial sensors tested annually. (20.5.6.8.A(2)-AST & 6.9.A(2)-UST)				1	В
1. Most Recent Test Date:				•	_
2. Previous Test Date:					
D. Emergency Generator System(s) exempt from release detection requirements.				1	
4. Operator Training/Certification				•	
A. Class A&B Operators trained by deadline. (20.5.18.12.A)		X			С
B. Date Class A/B passed training:					
1 1 J.					

Facility ID Number: 54493 Case Number: 2570

4. Operator Training/Certification	Yes	No	Unk	N/A	Level
C. Who trained Class A/B:					
D. Records/logs maintained and provided upon request (20.5.18.12.C/17.C/18.B(5)/18.B(6))				√	С
E. Class C Operators are trained. (20.5.18.12.E(2))				✓	С
F. Monthly inspections performed by Class A or B Operator. (20.5.18.18.B)				√	С
G. Certified/Trained Operator is present? (20.5.18.13)				√	С
H. Unmanned facility meets requirements. (20.5.18.13.B)				√	С
I. Sign for emergency procedures/response posted as required. (20.5.18.11)				√	С
J. Class A&B Operators retrained within 5 years of last training. (20.5.18.14).				√	С
K. Class A&B Operators must retrain within next 60 days. (See Comments) (20.5.18.14.B)				√	C
L. Class A&B Operators retraining annually (20.5.18.14.B)				✓	C
5. Operations & Maintenance					С
A. AST system coating is maintained. (20.5.5.8.B)	V				С
B. Fill port lids are marked. (20.5.5.8.C)	V			√	С
C. Steel piping in a trench maintained. (20.5.5.8.D) D. Containment sumps are maintained. (20.5.5.8.E/[2]/[3]/[4])				√	C
E. Operations & Maintenance Plan present at the facility.(20.5.5.9)		X		V	С
F. Operations & Maintenance Plan is being followed.(20.5.5.9/[2])				√	C
G. Normal venting is maintained. (20.5.5.13)				√	С
H. Emergency venting on AST is checked monthly. (20.5.5.13)				√	С
I. Ancillary equipment is maintained. (20.5.5.8/[2]/[3]/[4])				√	С
J. Underground piping replaced that shows signs of deterioration/failure. (5.17.A[2])				./	В
6. Notifications				V	
A. Anything other than a "pass" for monthly monitoring reported. (20.5.7.9.A)				√	С
B. Suspected release reported and investigated. (20.5.7.9.B)				./	В
C. Confirmed release reported per (20.5.7.10).				√	С
D. Change-in-Service, return-to-service, and temporary closure reported. (20.5.8.8)				V	С
7. Financial Responsibility				V	
A. Proof of Financial Responsibility provided. (20.5.9.903.A)		X			С
B. Amount and scope of financial responsibility is in accordance with (20.5.9.903).				1	С
C. Mechanism/Policy Name:					
D. Effective Date:					
8. Above-ground Storage Tanks					
A. Tank manufactured for above-ground use. (20.5.4.16/4.16.B)	✓			-	С
B. Tank is former underground tank used as an above-ground tank. (20.5.4.17)				1	С
C. Previously closed tank meets requirements for re-use per (20.5.4.19.C).				√	С
D. One tank installed per vault in vaulted system. (20.5.4.31.A)				√	С
E. Anti-siphon valve is present and operational. (20.5.4.25)	✓				С
9. Loading racks' secondary containment meets volume requirements (20.5.4.34)				√	С
10. Upgrade Requirements					
The tanks at this facility meet the following upgrade requirement:					
A. 1998 (UST - Spill Containment, Overfill Prevention, and Corrosion Protection)				✓	
B. 2004 (AST - Spill Containment, Overfill Prevention, Release Detection)	✓				
C. 2008 (UST - Secondary Containment for New or Replaced Systems)				✓	
D. 2013 (AST - Secondary Containment for Existing Systems)	✓				
11. Evidence of a release or spill.		✓			
12. Underground Storage Tank Systems are in Significant Operational Compliance?				✓	
13. Integrity Test performed prior to return-to-service. (20.5.8.9.E)	L			✓	С
14. All records available upon request by Department. (20.5.5.19)				✓	С

New Mexico Petroleum Storage Tank Bureau - Inspection Report Checklist

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Facility ID Number: 54493 Case Number: 2570

15. Comments:

- 1) Inspection notice and records request was mailed to last known address of owner which was returned by US Postal Service. A new address was on the expired forward request, the new address is 505 E. Crockett Rd, Lovington, NM 88260. Owner failed to update contact information with Dept. which is violation of 20.5.2.16 NMAC.
- 2) Annual tank fees have not been paid. (Violation of 20.5.3.8 NMAC Level C)
- 3) Unleaded compartment appears to contain 3&1/2 inches of fuel and diesel compartment appears to contain about 5&1/2 inches of fuel. Tank is not being monitored monthly as required. (Violation of 20.5.6.10.A NMAC Level B)
- 4) Operator Training requirements have not been met. (Violation of 20.5.18.12 NMAC Level C)
- 5) Financial Responsibility per 20.5.9 NMAC needs to be maintained on tank system even though it is not in use. No proof of financial responsibility has been provided. (Violation of 20.5.9.903 NMAC)
- 6) Tanks and piping will be required to be integrity tested prior to a return to service.

Facility ID Number: 54493		Case Number: 2570	
Closing Conference Date: Feb 28, 20	014	Closing Conference Time:	
Joe Godwin Compliance Officer - Print Name		None Available at the Facility On-Site Representative - Print Name	
Je Lalvin	2/28/2014		
Compliance Officer's Signature	Date	On-site Representative's Signature	Date

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New Mexico Petroleum Storage Tank Bureau - Inspection Report Signature Page



Photographer: Joe Godwin Date Taken: Feb 27, 2014 Time Taken: 10:48:00 AM

Description:

Picture taken while facing SW and looking at the store at this facility.



Photographer: Joe Godwin Date Taken: Feb 27, 2014 Time Taken: 10:48:00 AM

Description:

Picture taken while facing east and looking at the AST at this facility.



Photographer: Joe Godwin Date Taken: Feb 27, 2014 Time Taken: 10:49:00 AM

Description:

Picture taken while facing SE and looking at the labels on the north end of the AST.



Photographer: Joe Godwin Date Taken: Feb 27, 2014 Time Taken: 10:50:00 AM

Description:

Picture taken while facing SE and looking at the manufacturer's & UL Labels on the tank.



Photographer: Joe Godwin Date Taken: Feb 27, 2014 Time Taken: 10:50:00 AM

Description:

Picture taken while facing east and looking at the gauge on the Unleaded compartment of the tank which indicates about 3 & 1/2 inches of product remaining.



Photographer: Joe Godwin Date Taken: Feb 27, 2014 Time Taken: 10:50:00 AM

Description:

Picture taken while facing east and looking at the south end of the tank along with the remote fill lines leading to the remote fill box.



Photographer: Joe Godwin Date Taken: Feb 27, 2014 Time Taken: 10:51:00 AM

Description:

Picture taken while facing east and looking at the gauge on the diesel compartment of the tank which indicated there is almost 6 inches of product in this compartment.



Photographer: Joe Godwin Date Taken: Feb 27, 2014 Time Taken: 10:52:00 AM

Description:

Picture taken while facing east and looking at the transition sump on the SW side of the tank.



Photographer: Joe Godwin Date Taken: Feb 27, 2014 Time Taken: 10:53:00 AM

Description:

Picture taken while facing NE and looking at the dispenser island with the tank in the background.



Photographer: Joe Godwin Date Taken: Feb 27, 2014 Time Taken: 10:56:00 AM

Description:

Picture taken while facing NNW and looking at the sign beside the entrance which gives a Lovington, NM area phone number to call for interest in this facility.



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Petroleum Storage Tank Bureau

2905 Rodeo Park Drive East, Building 1 Santa Fe, New Mexico 87505 Telephone (505) 476-4397 Fax (505) 476-4374



Ryan Flynn Secretary BUTCH TONGATE Deputy Secretary

Enforcement Recommendation Memorandum

To: Adrian Jaramillo, Compliance Assistance Coordinator (Acting), PSTB

CC: Kalvin Martin, Program Manager, Prevention & Inspection Program Tom Gray, Environmental Specialist A, Prevention & Inspection Program

From: Joe Godwin, Environmental Supervisor, Prevention & Inspection Program

Date: February 28, 2014

Re: Enforcement Recommendation Josie's Country Market (FID 54493)

An inspection was conducted on <u>February 27, 2014</u> where violations that may result in delivery prohibition were discovered. The recommendations for the violations are as follows:

The above-ground storage tank system at this facility was placed into temporary closure without notice and with regulated substances in both compartments of the tank. Monthly monitoring as required in 20.5.8.9 NMAC is not being conducted and it appears this has been going on for several years.

It is my recommendation that the Bureau proceed with delivery prohibition at this time.

Inspector Name	Joe Godwin
-	2/11/15

PETROLEUM STORAGE TANK BUREAU FACILITY DATA UPDATE FORM

Old Information		New Information
Josie's Country Market	Facility Name	
1612 Sacramento Drive, Timberon	Facility Address	
54493	Facility ID #	
losie E. Van Curen	Contact Person	
	Telephone Number	
/an Curen, Josie E.	Owner Name	(See below)
PO Box 403, Timberon, NM 88350	Owner Address	
75593	Owner ID #	
	Contact Person	
	Telephone Number	
Same as Owner	Operator Name	
	Operator Address	
	Operator Phone #	
Other Facility changes or up	odates that need to be updated	in the Database (explain in detail):
Other Facility changes or up New Information is the resu		in the Database (explain in detail):
	lt of:	in the Database (explain in detail):
New Information is the resu Upgrading	lt of:	
New Information is the resu Upgrading	It of: Son gained from compliance inspe	
New Information is the resu Upgrading Information XXX Other (Ex	It of: Son gained from compliance inspe	ection
New Information is the resu Upgrading Information XXX Other (Ex	It of: Son gained from compliance inspensely.	ection
New Information is the resu Upgrading Information XXX Other (Ex	It of: Son gained from compliance inspensely.	ection
New Information is the resu Upgrading Information XXX Other (Ex	It of: Son gained from compliance inspensely.	ection
New Information is the resu Upgrading Information XXX Other (Example 2) Other Changes in method Other Comments: Returned Letter from USPS has a new	It of: on gained from compliance inspensions splain) Is of Protection: Piping, etc. ew address of 505 E. Crockett Rd, Love	ection