

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 5 PETROLEUM STORAGE TANKS
PART 2 REGISTRATION OF TANKS

20.5.2.1 ISSUING AGENCY: New Mexico Environmental Improvement Board.
[20.5.2.1 NMAC - Rp, 20 NMAC 5.2.100, Recompiled 6/14/02]

20.5.2.2 SCOPE: This part applies to any owner and operator of a storage tank as provided in 20.5.1 NMAC.
[20.5.2.2 NMAC - Rp, 20 NMAC 5.2.101, 6/14/02]

20.5.2.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the provisions of the Hazardous Waste Act, NMSA 1978, sections 74-4-1 through 74-4-14 (2001); and the general provisions of the Environmental Improvement Act, NMSA 1978, sections 74-1-1 through 74-1-15 (1990).
[20.5.2.3 NMAC - Rp, 20 NMAC 5.2.102, 6/14/02]

20.5.2.4 DURATION: Permanent:
[20.5.2.4 NMAC - Rp, 20 NMAC 5.2.103, 6/14/02]

20.5.2.5 EFFECTIVE DATE: June 14, 2002, unless a later date is indicated in the bracketed history note at the end of a section.
[20.5.2.5 NMAC - Rp, 20 NMAC 5.2.104, 6/14/02]

20.5.2.6 OBJECTIVE: The purpose of this part is to regulate storage tank systems in order to protect the public health, safety and welfare and the environment of the state.
[20.5.2.6 NMAC - Rp, 20 NMAC.5.2.105, 6/14/02]

20.5.2.7 DEFINITIONS: [RESERVED]

20.5.2.8 to 20.5.2.199 [RESERVED]

20.5.2.200 EXISTING TANKS:

A. The owner of any underground storage tank, as those terms are defined in 20.5.1 NMAC, shall register such tank or tanks with the petroleum storage tank bureau of the department within three months after April 14, 1988, the effective date of this part as first adopted, except that any owner who has filed the form of notice entitled "Notification for Underground Storage Tanks," prescribed by the United States Environmental Protection Agency and described in 40 CFR Chapter 1, Section 280.3 (EPA Form 7530-1), is not required to register a tank for which a notice has been filed, provided that the information as stated therein is still current.

B. The owner of any above ground storage tank, as those terms are defined in 20.5.1 NMAC shall register such tank or tanks with the petroleum storage tank bureau of the department within three months after June 14, 2002.

C. Registration becomes effective upon receipt of the first year's annual fee described in 20.5.3 NMAC. Registration shall be renewed annually by payment of the annual fee until the permanent closure of the tank pursuant to 20.5.8 NMAC.

[20.5.2.200 NMAC - Rp, 20 NMAC.5.2.200, 6/14/02]

20.5.2.201 TRANSFER OF OWNERSHIP:

A. No purported transfer of any storage tank system shall be effective to create, alter or extinguish any right or responsibility of any person subject to this part, unless the following transfer requirements are met.

(1) Prior to any transfer of ownership, control or possession, whether by lease, conveyance or otherwise, of a property with a registered storage tank system, the transferor shall notify the transferee in writing of the existence of the storage tank system and shall deliver or send by certified mail to the department a copy of such written notification, together with a certification or proof that such notification has in fact been received by the transferee.

(2) Upon receipt of such notification, the transferee shall re-register the tank with the department within 30 days of transfer of ownership, upon a form provided by the department. The transferee also shall have the duty to inquire into all of the provisions and requirements of this part.

(3) A transferor shall pay the tank fees for storage tank systems on the transferred property for the fiscal year of the transfer. A transferee shall pay the tank fees for storage tank systems on the transferred property starting the first July 1 after the transfer.

B. Nothing in this section or in this part shall be construed to relieve any person of responsibility or liability for any act or omission which occurred while that person owned, controlled or was in possession of the storage tank system.

[20.5.2.201 NMAC - Rp, 20 NMAC.5.2.201; 6/14/02]

20.5.2.202 NEW STORAGE TANK SYSTEMS: The owner shall notify the department in writing at least 30 days before any new above ground or underground storage tank system is installed, and shall register any new tank or storage tank system with the department prior to placing it in service.

[20.5.2.202 NMAC - Rp, 20 NMAC.5.2.202, 6/14/02]

20.5.2.203 SUBSTANTIALLY MODIFIED STORAGE TANK SYSTEMS: Except as provided in Section 20.5.2.205 NMAC below, when an existing storage tank system is substantially modified or replaced, the owner shall notify the department in writing of such modification or replacement, at least 15 days prior to the modification or replacement. Emergency repairs or replacements made pursuant to 20.5.2.205 NMAC are exempt from the notification requirements of this section.

[20.5.2.203 NMAC - Rp, 20 NMAC.5.2.203, 6/14/02]

20.5.2.204 NOTIFICATION OF SPILL OR RELEASE:

A. Notice of any known or suspected release from a storage tank system, any spill or any other emergency situation must be given to the department in accordance with 20.5.7 NMAC.

B. Reserved.

[20.5.2.204 NMAC - Rp, 20 NMAC.5.2.204, 6/14/02]

20.5.2.205 EMERGENCY REPAIRS AND TANK REPLACEMENT: The owner or operator may make immediate repairs or replacement of a storage tank system in the event an emergency situation presents a threat to the public health, provided the owner or operator gives notice to the department as set forth in 20.5.2.204 NMAC.

[20.5.2.205 NMAC - Rp, 20 NMAC.5.2.205, 6/14/02]

20.5.2.206 REGISTRATION:

A. An owner or operator shall register all storage tanks unless EPA Form 7530-1 entitled "Notification for Underground Storage Tanks" has been submitted to the department and all information contained thereon is still accurate. The registration shall contain at a minimum the following for each location with tanks:

- (1) Facility name and address, including county, zip code and telephone number;
- (2) Tank system owner's name and address, including county, zip code and telephone number;
- (3) Property owner's name and address, including county, zip code and telephone number;
- (4) Facility contact person, job title and phone number;
- (5) Type of facility: government (federal, state or local); individual; retail or non retail;
- (6) Whether currently listed as a LUST site with the PSTB;
- (7) Type of tank (list all that apply): AST, UST, steel double-wall, steel with cathodic protection,

horizontal, vertical, compartment, with secondary containment, convault, field erected, shop built, vaulted, fiberglass, fiberglass double wall;

- (8) Products stored;
- (9) Date of installation of each tank; and

(10) A statement under oath from the tank installer that the tank and tank system in compliance with 20.5.4 NMAC, which includes the tank installer's name, address, telephone number, and NMED certification number.

B. A registration submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president or a duly authorized agent of the corporation with authority to represent the corporation in these matters. A registration submitted by a partnership or a sole proprietorship shall be signed by a

general partner or proprietor. A registration submitted by a municipal, state or other public facility shall be signed by either a principal executive officer, ranking elected official or other duly authorized employee.

C. Registrations shall be sent to the environmental protection division, corrective action fund, office of finance and budget, New Mexico environment department, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico 87502.

[20.5.2.206 NMAC - Rp, 20 NMAC.5.2.206, 6/14/02]

[The department provides a form that may be used for registration.]

20.5.2.207 REGISTRATION CERTIFICATE:

A. No person shall operate a storage tank system without a current and valid registration certificate.

(1) The operator of any storage tank system shall display a current and valid registration certificate on the premises of the storage tank system at all times.

(2) Upon submittal to the department of a complete registration application or EPA Form 7530-1 and payment of the annual fee, the department shall issue an initial registration certificate. An initial registration certificate shall expire on the next succeeding June 30, regardless of its date of issuance.

(3) After issuance of the initial registration certificate, except as provided in Paragraph (4) of Subsection A of 20.5.2.207 NMAC, the department shall issue a renewed registration certificate upon payment of the annual fee on or before July 1 of each year. A renewed registration certificate shall expire on June 30 of each year.

(4) The registration certificate for any storage tank system for which any annual fee or late fee, is delinquent as of June 30 of any year shall not be renewed until:

(a) All past due annual fees and late fees have been paid; or

(b) The department and the owner or operator have agreed to a schedule for payment, provided any renewed certificate issued to an owner or operator who has agreed to such a schedule shall be valid only so long as the owner or operator continues to make payments in accordance with the payment schedule.

B. In the event any information provided on the registration form or EPA Form 7530-1 changes or is no longer accurate, the change shall be reported within 30 days to the department.

[20.5.2.207 NMAC - Rp, 20 NMAC.5.2.207, 6/14/02]

HISTORY OF 20.5.2 NMAC:

Pre-NMAC History:

The material in this part was derived from that previously filed with the commission of public records - state records center and archives:

EIB/USTR-2, Underground Storage Tank Regulations - Part II - Registration of Tanks, 3/15/98

EIB/USTR-2, Underground Storage Tank Regulations - Part II - Registration of Tanks, 9/12/88

EIB/USTR-2, Underground Storage Tank Regulations - Part II - Registration of Tanks, 8/4/89

History of Repealed Material:

20 NMAC 5.2, Petroleum Storage Tank Regulations, Registration of Tanks, filed 02/27/97

Other History:

EIB/USTR-2, Underground Storage Tank Regulations - Part II - Registration of Tanks, 8/4/89 renumbered, reformatted and replaced by 20 NMAC 5.2, Underground Storage Tanks, Registration of Tanks, filed 10/06/95

20 NMAC 5.2, Underground Storage Tanks, Registration of Tanks, filed 10/06/95 **replaced** by 20 NMAC 5.2, Underground Storage Tanks, Registration of Tanks, filed 02/27/97

20 NMAC 5.2, Underground Storage Tanks, Registration of Tanks, filed 02/27/97 was renumbered, reformatted, and **replaced** by 20.5.2 NMAC, Petroleum Storage Tanks, Registration of Tanks, effective 6/14/02