

Approved May 19, 2004

**STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
STORAGE TANK COMMITTEE
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MINUTES OF THE MARCH 4, 2004 MEETING

The meeting of the Storage Tank Committee (STC) was held at the City Government Building, One Civic Plaza, Room 9081, Albuquerque, New Mexico on March 4, 2004. Mr. Jim Norton called the meeting to order at approximately 10:00a.m.

Members Present:

Jim Norton, Chair
Ruben Baca, STC Member
Ronnie Pynes, STC Member
Wilfred Rael, STC Member

Members Absent:

Jimmy Esparza, STC Member
Joseph Chavarria, STC Member
Gary Shubert, STC Member

Other Representative Present:

Jim Davis, PSTB	Donna Gary, EPD
Geraldine Madrid-Chavez, NMED	Anna Richards, PSTB
Tom Gray, PSTB	Dan Lopez, PSTB
Keith Chavez, PSTB	Joseph Romero, PSTB
Adrian Jaramillo, PSTB	Joe Godwin, PSTB
Kalvin Martin, PSTB	Lorena Goerger, PSTB
Joe Howard	Brad Billings
Tricia Johnson	Stephen Reuter, PSTB
Mike McVey	Pat Moore
Cathy Atencio, PSTB	Phyllis Martinez, EPD
Eileen Shannon	Scott McKittrick
Benny Hodges	Andy Freeman
Scott Hallenberg	Mitch Rubenstein
Joyce Shearer, PSTB	

Mr. Jim Norton welcomed everyone to the Storage Tank Committee meeting and announced that two new committee members have been appointed by the Governor, Mr. Wilfred Rael and Mr. Gary Shubert.

Mr. Rael introduced himself and gave a brief description of his background.

Item #1 - Roll Call

Geraldine Madrid-Chavez, Administrator, took roll call and noted a quorum was present.

Item #2 - Approval of the Agenda

ACTION: Mr. Baca moved to approve the agenda as presented. Mr. Pynes seconded. Motion carried unanimously.

Item #3 - Legislative Update

Mr. Rick Martinez, Director of Administrative Services for the Environment Department, presented a Legislative Update and Agency Plan on House Bill 19, which was signed into law by Governor Richardson. The bill allows the Department to use Corrective Action funds for department activities related to water quality that are not necessarily related to storage tanks

Item #4 - Update on Corrective Action Fund

Mr. Jim Davis, Bureau Chief of the Petroleum Storage Tank Bureau, introduced Ms. Donna Gary to the Committee.

Ms. Donna Gary presented an update on the Corrective Action Fund. Ms. Gary presented the Committee with a print-out of the December 2003 Corrective Action Fund update and discussed how the unobligated balance is determined. Ms. Gary noted that the unobligated balance currently is \$4,568,141. Ms. Gary stated the Bureau reconciles the payments received with the Department of Finance and Administration.

Item #5 - Status on State Lead Sites

Mr. Davis introduced Ms. Joyce Shearer to the Committee.

Ms. Joyce Shearer presented a list of work plan approvals for both state lead and RP-lead sites for the fiscal year. Ms. Shearer noted that recently 7 contracts have been signed to do work on state lead sites. Ms. Shearer stated that work plan approvals are in the pipeline for two of these sites, one in Las Lunas and one in Belen. Ms. Shearer stated that the bureau completed an Emergency Response RPF and selected six (6) contractors, and the bureau is in the process of completing reports and beginning negotiation to get the contracts signed.

Item #6 - Program comparison with neighboring states: Corrective Action Fund, Tank Registration fees, Prevention and Inspection Programs

Mr. Davis introduced Ms. Anna Richards to the Committee.

Ms. Anna Richards presented an overview of the State and Territorial Solid Waste Management Officials' (ASTSWMO) national survey of state storage tank cleanup funds to the Committee. Ms. Richards distributed the 2003 results of the national survey to the Committee including:

- Design Characteristics of State Financial Assurance Funds
- Funding for State Financial Assurance Funds
- Level of Activity in State Financial Assurance Funds
- Cost Control Measures and Management Practices used by State Financial Assurance Funds
- State Fund Updates

Ms. Richards observed that the features of the New Mexico Corrective Action Fund are fairly typical or "main stream" ones, as compared to funds in other states. The Committee said it may want to take another look at the results of the national survey in the future.

Item #7 - Bureau Prevention and Inspection Activities: Territories, Number of facilities/tanks, Frequency of Inspections

Mr. Davis introduced Mr. Calvin Martin to the Committee.

Mr. Martin presented information packets for AST inspections to the Committee. Mr. Martin noted that currently the Bureau has 11 inspectors

Mr. Calvin Martin asked each of the tank inspectors to introduce themselves to the Committee and give a little bit of background of themselves.

- John Cochran, 12 years with the Bureau, primary inspection areas include: Albuquerque Metropolitan area and also parts of Sandoval County, which includes the communities of Rio Rancho and Bernalillo.
- Bob Miller, 12.5 years with the Bureau, primary inspection areas include: Albuquerque, Guadalupe, Lincoln, Torrance and Santa Fe Counties.
- Joseph Romero, 8 with the Bureau, primary inspection areas include: Santa Fe, Los Alamos, Rio Arriba and Taos counties.
- Joe Godwin, 3 years with the Bureau, primary inception areas include: Dona Ana, Luna, Hidalgo and Grant counties.
- Adrian Jaramillo, 9 year with the Bureau, primary inspection areas include: Mora, San Miguel, Colfax, Harding, Union, Taos and Guadalupe Counties.
- Dan Lopez, 11 years with the Bureau, primary inspection areas include: Bernalillo and Valencia Counties.
- Keith Chavez, 2 years with the Bureau, primary inspection areas include: Sandoval, McKinley, Valencia, Socorro and Cibola Counties.

- Pat Moore, 2.5 years with the Bureau, primary inspection areas include: Sierra, Otero, Chavez, Catron and Dona Ana Counties.
- Tom Gray, 7 years with the Bureau, primary inspection areas include: San Juan and McKinley Counties.

Mr. Martin stated that there were two inspectors not present: Len Murray, whose primary inspection areas include Lincoln, Eddy and Chavez Counties and Bill Bryant whose primary area is the east central part of the state.

Item #8 - Tribal Issues/Cooperative Agreements

Ms. Joyce Shearer gave a brief presentation on Tribal Issues/Cooperative Agreements. Ms. Shearer noted that Zuni Pueblo has approached the Bureau and stated they would like to amend their cooperative agreement.

Ms. Shearer stated the Deputy Secretary Derrith Watchman-Moore received a letter from Santo Domingo Pueblo Gas requesting assistance. However, the Department has no jurisdiction over facilities on tribal land without a cooperative agreement, and currently has no cooperative agreement with the Pueblo of Santo Domingo.

Ms. Shearer stated that currently the Bureau has 4 cooperative agreements.

Item #9 - Other Business

Mr. Ruben Baca requested that the minutes be on next month's agenda and that the Bureau present the Committee with an Organizational Chart of the Department.

Mr. Ronny Pynes asked if the Bureau hands out a list of names and numbers of its inspectors. Mr. Martin replied, "Yes."

Mr. Brad Billings asked if the Bureau could continue sending out a Monthly Invoice Update. Ms. Gary stated those are being mailed out.

Ms. Anna Richards informed the Committee that all 17 Parts of UST Regulations have been revised and are available as a bound book at the Committee meeting.

Mr. Jim Norton complimented staff on their presentation and thanked the inspectors for coming in and introducing themselves.

Mr. Pynes requested that the Bureau keep track of the number of sites being visited.

Mr. Mitch Rubenstein questioned an inconsistency in total petroleum hydrocarbon (TPH) screening levels used in the Department. PSTB uses a screening level of 100 ppm that is mandated by federal regulations for underground storage tank sites while the Ground Water Quality Bureau uses risk-based screening levels. Mr. Rubenstein expressed a concern that contaminated sites were escaping notice because of the higher screening levels used by the Ground Water Quality Bureau.

Item # 10 - Next Meeting

The next meeting of the Storage Tank Committee will be in Santa Fe, NM on May 19, 2004 at 10:00 am.

ACTION: Mr. Norton announced the meeting is adjourned.

Petroleum Storage Tank Chairman