

TANK NOTES

STATE OF
NEW MEXICO
ENVIRONMENT
DEPARTMENT



... A Newsletter from
the Underground
Storage Tank Bureau

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Legislative Session Heralds Changes for UST Bureau *Aboveground storage tanks slated for Bureau regulation*

by Jerry Schoeppner, Chief, UST Bureau

Now that the 2001 legislative session is over and Governor Johnson has acted on passed legislation, here is an update on what legislation was signed, how it affects the UST program, and how we will implement the changes.



One bill signed into law that affects the Underground Storage Tank Regulations is Senate Bill (SB) 333. SB 333 amends the Hazardous Waste Act and the Ground Water Protection Act to do four things in particular:

- Incorporate regulations on standards of operation for, and management of releases from, above ground storage tanks (AST) into the existing underground storage tank (UST) program.
- Limit the competitive bidding requirement for reimbursable corrective action associated with releases from USTs to cleanup activities only.
- Add a \$100 per tank per year registration fee on ASTs to be consistent with the fees required for USTs.
- Change payment of invoices from 30 days to 60 days.

SB 333 became law on July 1, 2001, but most of the changes to the program as a result of the bill will become operative only when regulations are promulgated.

The revision of the regulations will be addressed in phases. The first phase will include revisions to the financial Corrective Action Fund part of the regulations (Part

17). In Part 17 the competitive bidding revision, the change in the timeframe for payment of state-lead invoices and any reimbursement issues related to ASTs will be addressed. Following revision of the financial part of the regulations will be the revision of all parts associated with the incorporation of ASTs into the regulatory program. It is anticipated that the regulation revisions will require eight to 10 months to be fully implemented.

The USTB has already formed a committee made up of members of the regulated community, the consulting world, Pueblos, environmental interest groups, the public and department staff. A draft of the revised regulations will be made available to anyone interested prior to going to hearing. Stay tuned and check our web page (www.nmenv.state.nm.us) for updates on our progress.

TANK NOTES

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This newsletter is for the UST owner/operator population and is provided as a general information guide only. It is not intended to replace, interpret or modify manufacturers' protocols, or the rules, regulations or requirements of local, state or federal government, nor is it intended as legal or official advice. The opinions expressed in articles written by NMED staff and others are those of the authors and do not necessarily reflect those of NMED. We welcome your comments and suggestions. Send address changes and correspondence to: New Mexico Environment Department, Underground Storage Tank Bureau, 2044 Galisteo, Santa Fe, New Mexico 87505. Check out the USBT website at www.nmenv.state.nm.us/ust/ustbtop.html

Notes from the Chief

by Jerry Schoeppner, Chief, UST Bureau

The UST Bureau's move will be completed by the end of August! Correspondence including work plans, compliance determinations, certified scientist and tank installer applications, and legal documents can be sent directly to the new location: Underground Storage Tank Bureau, NMED, 2044 Galisteo, Santa Fe, New Mexico 87505.

Phone numbers are also changing. The new main number for the Bureau in Santa Fe is 505/984-1741 and the fax is 505/984-1738.

The Environmental Protection Division, Office of Finance and Budget will remain in the Runnels Building and all tank fees, tank registrations, changes of tank ownership, means test applications, applications for payment, and invoices should continue to be sent to P.O. Box 26110, Santa Fe, NM 87502.

New faces at the Bureau include: Ana Rose Hickey, secretary in Santa Fe; Juana Aguilar, secretary in Roswell; Michael Leger, project manager in Albuquerque; George Beaumont, project manager in Santa Fe; Susan Von Gonten, project manager in Santa Fe; and Gail Martinez, systems analyst in Santa Fe.

Several staff members have moved on to new challenges. Abel Ramirez (inspector in Las Cruces) has joined the Air Quality Bureau in Las Cruces. Jenny Smith (computer analyst) has moved to the Children, Youth and Families Dept. in Albuquerque and Jim Najima (director of the Environmental Protection Division) has returned to Nevada. We wish them all the best in their new positions.

The Bureau, with the assistance of an advisory group, continues to work on incorporating aboveground storage tanks into the existing regulations. Ultimately, the Bureau will change its name to more accurately reflect our regulatory authority – the Petroleum Storage Tank Bureau?

Secretary Peter Maggiore certified the unobligated balance of the Corrective Action Fund on July 12, 2001, to be \$3,579,488. This balance triggers an increase in the Petroleum Products Loading Fee from \$120 per load to \$150 per load. As required by state law, \$40 per load goes to the Local Governments Road Fund.

UST Bureau Field Inspectors for Tank Installations, Closures and Major Modifications, and Compliance

Albuquerque NMED District Office
 (Albuquerque, Belen, Bernalillo, Los Lunas, Socorro, Grants, Cuba)
 Robert Miller, Dan Lopez, John Cochran
 4131 Montgomery NE, Albuquerque, NM 87109
 505/841-9459

Farmington NMED Field Office
 (Aztec, Bloomfield, Gallup, Farmington)
 Thomas Gray
 724 W. Animas, Farmington, NM 87401
 505/325-2458

Clovis NMED Field Office
 (Hobbs, Lovington, Tucumcari, Clovis)
 Bill Bryant
 100 E. Manana Blvd., Unit #3,
 Clovis, NM 88101
 505/762-3728

Las Cruces NMED District Office
 (Las Cruces, Deming, T or C, Silver City)
 Vacant

1001 N. Solano Drive, P.O. Box 965
 Las Cruces, NM 88004
 505/524-6300

Las Vegas NMED Field Office
 (Clayton, Las Vegas, Springer, Raton, Santa Rosa, Taos)
 Adrian Jaramillo
 1800 New Mexico Avenue, Las Vegas, NM 87701
 505/425-6764

Roswell NMED Field Office
 (Roswell, Carlsbad, Artesia, Alamogordo, Ruidoso)
 Len Murray
 1914 West Second St., Roswell, NM 88201
 505/624-6123

UST Bureau in Santa Fe
 (Northern NM, other areas not covered)
 Joseph Romero
 2044 Galisteo, Santa Fe, NM 87505
 505/984-1741

Schedule for Revision of the UST Regulations

Thursday August 23	Meeting of UST Committee to discuss Part 17 draft and have an initial briefing on the incorporation of above ground storage tanks into Parts 1-16. Meeting begins at 9 a.m. at the Bureau of Land Management, 435 Montano NE, Albuquerque, NM
Late September	Second draft of revised Part 17 goes to UST Committee and Stakeholders Group
Mid-October	NMED administrative review
October	Stakeholder meeting on Parts 1-16, with additional monthly meetings until draft is final, or as needed
Early November	Release final draft of revised Part 17 and issue public notice for NMED hearing
January 2002	Public hearing on revised Part 17, Corrective Action Fund Administration regulations before NMED
Mid to late 2002	Public hearing on revised Parts 1-16 before the Environmental Improvement Board

Regulation Revision Stakeholder Group

Name	Organization	Address	Phone (505)	Fax (505)
George Biggs	NM Citizens for Clean Air and Water	505 Oppenheimer Dr. Apt. 805 Los Alamos, NM 87544	662-6513	662-0986
Ruben Baca	NM Petroleum Marketers Association	PO Box 92366 Alb., NM 87199-2366	293-6250	293 6249
Tracy Neil	Kachina Petroleum	9600 Bell SE, Alb., NM 87123	292-3090	293-1884
Martin Porter	Porter Oil Co.	306 South Motel Blvd, Las Cruces, NM 88005	524-8666	523-2998
Pat Montano	Kirtland Air Force Base	377CES/CEVC, 2050 Wyoming Blvd SE #110, KAFB, NM 87117-5270	846-8577	853-6970
Kathryn Kretz	NM Highway and Transportation Dept., Env. Geology Section	PO Box 1149, Room 126, Santa Fe, NM 87504	827-0705	827-3243
Eileen Shannon	Alb. Env. Health Dept, Environmental Services Division	PO Box 1293, Albuquerque, NM 87103	768-2669	768-2617
Ronny Pynes	Gunderson Oil	PO Box 669, Grants, NM 87020	287-2020	287-2503
Stuart E. Faith	Faith Engineering, Inc.	541 Quantum Road, NE, Rio Rancho, NM 87124	243-5494	243-5585
Dennis McQuillan	Groundwater Quality Bureau	New Mexico Environment Department	827-2831	827-2965
Jose Martinez	State Fire Marshall	PO Box 1269, Santa Fe, NM 87504	827-3761	827-3778
Norm Moreno	All Indian Pueblo Council, Pueblo Office of Environmental Protection	P.O. Box 400, Alb., NM 87103	884-0480	883-7641
Chuck Travelstead	Eidson Steel	8301 Broadway SE, Alb., NM, 87105	873-0160	873-0167

Set Your Sights on Operational Compliance

John Cochran, Acting Program Manager, Prevention/Inspection Program, UST Bureau

Now that it's been two-and-a-half years since the December 22, 1998 deadline for upgrading your tanks and/or piping, you may be asking yourself what's next in the world of UST regulation. The Underground Storage Tank Bureau is now focusing its attention on the need for operational compliance by tank owners and operators in the long term, ensuring that you are complying with release detection, cathodic protection, and financial responsibility requirements. But isn't this what the Bureau's inspectors have been looking for all along when they conduct a compliance inspection at your facility? Yes, it is, but there's more to it than that. It's important that you, the tank owner/operator, play a larger role in the operational compliance process.

As a tank owner/operator you should ask yourself some tough questions.

- Does my leak detection system actually detect leaks?
- Do I understand what the leak detection requirements are?
- What should I do if I suspect that a release has occurred?
- What can I do to minimize future releases?
- How often should I inspect my UST system, and how thoroughly?
- What parts of my UST system are most susceptible to releases?

Here's an example of how you, the tank owner/operator, can improve operational compliance at your site(s):

Let's say you've just purchased and installed the latest automatic tank gauge (ATG) with all the bells, whistles, alarms, warning lights, etc. Can you now sit back and rely on the ATG to warn you if a release occurs? If you answer yes, then you may not be appreciating the full extent of your responsibility for operational compliance. You should have been asking your ATG dealer and installer these questions:

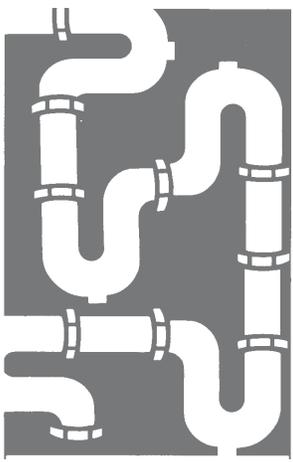
- Is the ATG currently third-party approved?
- Is the daily/weekly/monthly test(s) run for the proper duration and with enough product to be a valid test?
- Do I have twelve months of records available to prove a history of leak detection?
- How does the ATG indicate when a release occurs and what do I need to do when it does?

EPA recently published a manual entitled "Operating and Maintaining Underground Storage Tank Systems - Practical Help and Checklists." This publication describes release detection methods, provides checklists and forms, describes what to do if you have a suspected or confirmed release, explains what is required and how to inspect your spill and overfill protection equipment, discusses corrosion protection, and lists what to look for when doing a walk-through inspection of your facility. Contact the UST Bureau or your inspector for a copy or download a copy from EPA's website www.epa.gov/swerst1/ustsystem/tanko&m.htm.

A consortium of groups is attempting to put together a training program for tank operators, particularly those working at convenience stores. The program will discuss what the store personnel, store manager, and district/regional manager must do to ensure that the facility operator achieves significant operational compliance.

The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) UST Task Force will be sponsoring a one-and-a-half day conference this fall to discuss operational compliance issues with regulators from all 50 states. Clearly, operational compliance is something that both tank owners/operators and regulators will be dealing with for some time.

If you have any questions about operational compliance issues, please contact the Bureau. Our inspectors will be happy to discuss these issues with you and give you suggestions on what improvements you can make at your facility. We're here to help.



GET CONNECTED.
 "Operating and Maintaining Underground Storage Tank Systems - Practical Help and Checklists"
TELLS IT LIKE IT IS.
ASK YOUR INSPECTOR FOR YOUR COPY.

Operational Compliance Requires Continuous Training

by Bill Bryant, Field Inspector, UST Bureau, Clovis Office

As the owner-operator what do you need to know about your **release detection method**?

Most companies with more than one facility probably have more than one method of release detection in their business. This, in itself, is not a problem. The question is do the owner-operators and their employees have the **training** to monitor each different type of release detection method being used at every facility?

In most cases, the answer is **No**.

The reason is that normally the only training for any type of release detection method being installed is that training given by the service technician at the time of start up, and this is in a very abbreviated form, to say the least. After the initial technical training, the owner-operator is in charge of training the facility manager who, in turn, trains the number one employee, who in turn trains the number two employee, who in turn trains the number three employee and so on down the line. The last employee receiving this sort of training, or the lack of training, would be very fortunate to even find the tank stick, much less know the proper method of sticking a tank. The same goes for the ATG; what is it, where is it, what's all this paper coming out of it, why is that light flashing, what is that alarm sounding for and how the heck do I turn it off? This is known as "the old pass-it-on syndrome," very similar to that childhood game called "telephone." Nothing will be as clear at the end of the line as it was at the beginning.

Without **proper training**, none of the release detection equipment at any facility can or will operate at its optimum efficiency level, thus leaving the owner-operator open for problems with compliance as well as possibly causing environmental contamination; and we all know what that leads to...\$\$\$\$\$\$\$\$ in cleanup costs.

Proper training should be on-going. Whether it is for the employee that has been with the company for 10 years or the new employee just being hired, all employees need to know how important it is to correctly monitor using the release detection methods under their charge. Normally,

when a person knows more about what they are being asked to do and how very important it is that they do it correctly, they tend to be much more diligent in doing that task properly.

I hope you see what I'm trying to say: provide **training, training and more training!**



The US Environmental Protection Agency, with help from the states and EPA, has come out with the a publication called "**Operating and Maintaining Underground Storage Tank Systems Manual.**" This manual is available through EPA Publications and can be downloaded from their web site at: <http://www.epa.gov/swrust1/pubs/index.htm>

You can also contact your local inspector and he will gladly send you a copy.

The manual is a very informative publication that was designed to help owner-operators understand what has to be done at each facility in order for that facility to be in compliance with the UST Regulations. It has step-by-step charts

informing the owner-operator what needs to be done with all different types of monitoring methods, as well as steps they need to take if they have a suspected or confirmed release. There is a section that tells the owner-operators what to look for when doing frequent walk-through inspections. This informative publication is a **MUST** for all owners and their operators and is a very good source for continuous training.

The release detection method you choose is only as good as the training you have given the personnel operating it for you.

Training should be a continuous process for all owner-operators. With proper training owner-operators can reduce the chances of contaminating our environment further. Remember, "An ounce of prevention is worth millions of dollars in attempted cures."

As ever, if you have any question regarding your UST systems, please call you local UST Inspector.

Spill Reports and Complaints Now Routed to Hazardous Waste Bureau

by Debby Brinkerhoff, Manager, Hazardous Waste Bureau

Transportation accidents, above-ground-tank overflows, drum ruptures, pipeline failures, illegal dumping, fish kills, explosive or noxious underground vapor accumulations, explosions, sewage overflows, fires, abandoned wastes, clandestine drug-lab busts and the discovery of soil or ground-water contamination during site investigations are just a few examples of spills or incidents that require notification.

While the UST Bureau remains the contact for UST releases, the New Mexico Environment Department has designated the Hazardous Waste Bureau as the central receiving point for telephone calls regarding chemical, bio-hazardous, and emergency petroleum product spills, complaints and incidents.

For **emergency reporting** 24 hours a day, the general public or regulated facilities should call the State Radio Communications Switchboard at **827-9329**. The Switchboard will forward all calls to the Hazardous Waste Emergency Response on-call personnel as well as notify other appropriate agencies.

For **non-emergencies**, two other Environment Department phone numbers available to you are:

1-866-428-6535 Non-Emergency Voice Mail - 24 hours
1-505-428-2500 Non-Emergency Daytime - REAL LIVE PERSON

Owners, operators, companies or transporters involved in incidents must notify the Department within 24 hours regardless of the size of the spill.

This is a major coordinated change in the way the New Mexico Environment Department handles communications for these incidents. It is intended to greatly simplify reporting, as well as improve efficiency for the Department by limiting involvement to programs that are directly affected.

Spills or incidents that occur at state permitted operations should be reported to the permitting agencies.

But.. for Tanks, Read On...

For tanks, we are not changing the incident reporting. So it's business as usual. See Leak o' the Week below. And note the new phone numbers since we've moved!



Leak o' the Week

Report releases to the following staff during working hours. For emergencies during evenings and weekends, call the NMED emergency number (505) 827-9329.

Aug 6 – 10	Lane Address	841-9478
Aug 13 – 17	Chris Holmes	827-2926
Aug 20 – 24	Tim Eckert	841-9475
Aug 27 – 31	Susan von Gonten	827-1732
Sept 3 – 7	Pat deGruyter	841-9188
Sept 10 – 14	Danny Valenzuela	827-2914
		984-1741
Sept 17 – 21	Michael Leger	841-9189
Sept 24 – 28	George Beaumont	984-1741
Oct 1 – 5	Lane Address	841-9478
Oct 8 – 12	Chris Holmes	984-1741
Oct 15- 19	Tim Eckert	841-9475
Oct 22 – 26	Susan von Gonten	984-1741
Oct 29 – Nov 2	Pat deGruyter	841-9188
Nov 5 – 9	Danny Valenzuela	984-1741
Nov 12 – 16	Michael Leger	841-9189
Nov 19 – 23	George Beaumont	984-1741
Nov 26 – 30	Lane Address	841-9478

Where's the Hospital?

by Tom Gray, Field Inspector, UST Bureau, Farmington Office

Have you or someone you know ever been out of town and needed a hospital, perhaps the emergency room? Do you remember how stressful it was that you had to find a hospital you'd never been to before?

Many people in our industry have had the same experience. Environmental consultants and gas station service personnel often work away from their homes. Their exposure to injuries while conducting their normal work is substantial. Accidents happen, at home and away. Therefore it's a good idea to know where the local hospital is located wherever you are working.

Knowing the location of the local hospital is only part of a good health and safety plan. All companies, whether large or small, should implement a plan to safeguard the welfare of their employees. A good plan should identify the hazards anticipated for the intended scope of work, establish appropriate rules for personal protective equipment in the work environment, address emergency procedures in case something goes wrong, and list the emergency telephone numbers to call for the necessary assistance. The plan should include safety meetings at the beginning of every project with additional meetings when new hazards are encountered or when different employees come to work on the project. It is also a good idea to provide the "one call" verification number on the job site safety meeting form, confirming that utility companies were notified prior to excavation or drilling.

Although the federal OSHA regulations do not specifically require a written Health and Safety Plan for all companies, 29 CFR §1926.21(b)(2) states that "the employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury." Many companies choose to comply with this requirement by using a Health and Safety Plan, and also creating a Site Safety Plan to use for each construction project they undertake. The scope of work to be performed dictates whether the Health and Safety Plan is required. For example, the installation of new USTs in clean

soils may fit into a category of "construction projects," while the removal of USTs from contaminated soils may fit into a category that requires HAZWOPER certification for the workers conducting the project. Since few companies have the luxury of dispatching different workers for different types of projects, it is advised to certify all employees for hazardous work and to have health and safety provisions for all projects.

Job-related injuries affect your company's profits and employee morale. Having competent, trained employees and safeguarding their health by planning and using safe work practices is an excellent way to protect your company against unexpected losses in both work productivity and the costs associated with employee injuries. Utilizing a Health and Safety Plan is just good business.



**FIRST YOU INSPECT
AND THEN YOU MAINTAIN
A TANK OWNER'S WORK
CAN DRIVE YOU INSANE.**

(THAT'S WHY IT'S A GOOD IDEA
TO READ THE MANUAL BROUGHT
TO YOU BY YOUR FRIENDLY
ENVIRONMENTAL PROTECTION
AGENCY. DOWNLOAD AT
[HTTP://WWW.EPA.GOV/
SWERUST1/USTSYSTEM/
TANKO&M.HTM](http://www.epa.gov/swerust1/ustsystem/tanko&m.htm))



Check out the USTB website at www.nmenv.state.nm.us/ust/ustbtop.html

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