TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 5 PETROLEUM STORAGE TANKS
PART 5 GENERAL OPERATING REQUIREMENTS

20.5.5.1 ISSUING AGENCY: New Mexico Environmental Improvement Board.
[20.5.5.1 NMAC - Rp, 20.5.5.1 NMAC, 04/04/2008]

20.5.5.2 SCOPE: This part applies to owners and operators of storage tanks as provided in 20.5.1 NMAC. If the owner and operator of a storage tank are separate persons, only one person is required to comply with the requirements of this part, including any notice and reporting requirements; however, both parties are liable in the event of noncompliance.
[20.5.5.2 NMAC - Rp, 20.5.5.2 NMAC, 04/04/2008]

20.5.5.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the provisions of the Hazardous Waste Act, sections 74-4-1 through 74-4-14 NMSA 1978, and the general provisions of the Environmental Improvement Act, sections 74-1-1 through ~~74-1-16~~ 74-1-17 NMSA 1978.
[20.5.5.3 NMAC - Rp, 20.5.5.3 NMAC, 04/04/2008]

20.5.5.4 DURATION: Permanent.
[20.5.5.4 NMAC - Rp, 20.5.5.4 NMAC, 04/04/2008]

20.5.5.5 EFFECTIVE DATE: April 4, 2008, unless a later date is indicated in the bracketed history note at the end of a section.
[20.5.5.5 NMAC - Rp, 20.5.5.5 NMAC, 04/04/2008]

20.5.5.6 OBJECTIVE: The purpose of 20.5.5 NMAC is to ensure that the operation and maintenance of storage tanks will prevent releases and to protect the public health, safety and welfare and the environment of the state.
[20.5.5.6 NMAC - Rp, 20.5.5.6 NMAC, 04/04/2008]

20.5.5.7 DEFINITIONS: The definitions in 20.5.1 NMAC apply to this part.
[20.5.5.7 NMAC - Rp, 20.5.5.7 NMAC, 04/04/2008]

20.5.5.8 OPERATION AND MAINTENANCE OF STORAGE TANK SYSTEMS: Owners and operators shall properly maintain all tanks, piping, secondary containment and other associated equipment required in 20.5.4 NMAC, and shall ensure that all tanks, piping, secondary containment and other associated equipment for all storage tank systems are fully operational at all times. Owners and operators shall notify the department in accordance with 20.5.7 NMAC if a visual inspection, other inspection or testing conducted in accordance with 20.5.5 or 20.5.6 NMAC indicate that a release may have occurred.

A. Owners and operators shall visually inspect monthly an AST and all its components that are readily accessible to visual inspection.

B. Owners and operators shall maintain the exterior coating of an AST and ancillary equipment not in contact with soil in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department. The following may be used to comply with this requirement:

(1) society of protective coatings SSPC-PA 1, "*shop, field, and maintenance painting of steel*;"

(2) society of protective coatings, "*the inspection of coatings and linings: a handbook of basic practice for inspectors, owners and specifiers*;"

(3) society of protective coatings SSPC-PA Guide 4, "*guide to maintenance repainting with oil base or alkyd painting systems*;" or

(4) society of protective coatings SSPC-PA Guide 5, "*guide to maintenance coating of steel structures in atmospheric service*."

C. Owners and operators shall mark fill port lids of ASTs and USTs in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department. The following may be used to comply with this

requirement: American petroleum institute RP1637, "*using the API color-symbol system to mark equipment and vehicles for product identification at service stations and distribution terminals*." Owners and operators shall clearly label the contents of all storage tanks.

D. If any steel piping installed in a trench is used in an AST or UST system, owners and operators shall visually inspect the trench monthly. Owners and operators shall draw off any ~~water~~ liquid that has accumulated in the trench within one week of ~~a rainfall event~~ the accumulation, and shall remove any other debris that has accumulated inside the trench. Owners and operators shall properly treat and dispose of any accumulated ~~water~~ liquid with a visible sheen. If a basin sump is located in the trench, owners and operators shall keep the basin sump free of ~~water~~ accumulated liquid and debris. Owners and operators shall not install any valves in any basin sump in a piping trench.

E. Owners and operators shall maintain all sumps (including, but not limited to: turbine sumps, STP and submersible pumps), and draw off ~~water~~ liquid that has accumulated in the sumps within one week of ~~a rainfall event~~ the accumulation, and shall remove any other debris that has accumulated inside the containment sumps. Owners and operators shall properly treat and dispose of any accumulated ~~water~~ liquid with a visible sheen. If gravity drain valves are used to remove ~~water~~ accumulated liquid from the containment sumps, owners and operators shall keep all valves closed except during the process of draining ~~water~~ the accumulated liquid.

F. Owners and operators shall check ASTs monthly for the presence of ~~water~~ accumulated liquid at the lowest possible point inside the tank, and remove any ~~water~~ accumulated liquid found to the extent technically possible. Owners and operators shall properly dispose of any and all ~~water~~ accumulated liquid removed from an AST.

[20.5.5.8 NMAC - Rp, 20.5.5.400 NMAC, 04/04/2008]

20.5.5.9 OPERATIONS AND MAINTENANCE PLAN: Owners and operators of all storage tank systems shall adopt and implement a written operations and maintenance plan, which they shall keep at the facility for the life of the storage tank system. Owners and operators of unmanned storage tank systems may keep the operations and maintenance plan at an alternate location as long as it is made readily available to the department upon request. The operations and maintenance plan shall be as specific as possible for each facility and shall include the piping and ancillary equipment that routinely contains regulated substances, or controls the flow of regulated substances. Owners and operators may use, by reference, operational and maintenance guidance from the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory. Owners and operators who reference a current edition of an industry standard or code of practice shall maintain a copy of the code or standard they reference. Owners and operators shall not implement the plan until it has been approved by the department.

A. At a minimum the operations and maintenance plan shall include the following:

(1) a detailed plan showing what inspections, operations, testing and maintenance shall be done on a daily, monthly, quarterly and annual basis in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department; the plan shall include a description of how owners and operators properly dispose of regulated substances spilled at the facility, and any water or soil removed from any part of the storage tank system where there is any indication it might be or have been contaminated with a regulated substance; and

(2) responses to emergency situations; this information shall be readily accessible at the facility; responses to emergency situations shall include the following:

(a) the location of equipment to be shut down during an emergency and how to safely perform these tasks;

(b) actions to be taken in the event of a fire, flooding, a spill, or a release of regulated substances;

(c) a site diagram; and

(d) a list of whom to notify or call during or after an emergency situation.

B. The following may be used to comply with the requirements of this section:

(1) American petroleum institute 570, "*pipe inspection code: inspection repair, alteration, and rerating of in-service piping systems*;"

(2) American petroleum institute standard 653, "*tank inspection, repair, alteration, and reconstruction*;" or

(3) steel tank institute standard SP001, "*standard for inspection of in-service shop fabricated aboveground tanks for storage of combustible and flammable liquids*."

C. Owners and operators may submit to the department for approval an alternate plan which contains all the information requested in this section.

D. Owners and operators of storage tank systems that have been placed in temporary closure in compliance with Section 9 of 20.5.8 NMAC shall not be required to have an operations and maintenance plan, unless one or both of the following conditions is present:

(1) the storage tank contains greater than one inch of regulated substance; or

(2) the storage tank system has steel components that are in contact with soil, water or concrete.

E. Owners and operators of emergency generator systems existing as of July 1, 2011 shall meet the requirements of this section no later than July 1, 2012.

[20.5.5.9 NMAC - Rp, 20.5.5.400 NMAC, 04/04/2008]

20.5.5.10 OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT OF SECONDARY CONTAINMENT FOR ASTS:

A. Owners and operators shall operate, maintain and repair secondary containment in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department.

B. Owners and operators shall not store inside the secondary containment any material which is chemically reactive with the regulated substance stored in the AST system, or with the AST itself. Owners and operators shall not store any material in the secondary containment that reduces the capacity of the secondary containment below the requirements in 20.5.4.29 NMAC.

C. Owners and operators shall draw off ~~water that has accumulated~~ any accumulation of liquid in the secondary containment, including all sumps, within one week of ~~a rainfall event~~ the accumulation, and shall remove any other debris that has accumulated inside the secondary containment. Owners and operators shall properly treat and dispose of any accumulated ~~water~~ liquid with a visible sheen. If gravity drain valves are used to remove ~~water~~ the accumulated liquid from the secondary containment, owners and operators shall keep all valves closed except during the process of draining ~~water~~ the accumulated liquid.

D. In order to maintain the highest level of secondary containment in case of a discharge from, or an overfill of, an AST system, owners and operators shall keep the spill containment buckets, catchment basins, containment sumps, basin sumps, and piping trenches free of water, regulated substances and debris.

E. Owners and operators shall, ~~maintain, repair and replace any concrete secondary containment systems~~ in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department~~.~~ :

(1) Maintain, repair and replace any concrete secondary containment systems; and

(2) Repair all significant cracks in the floors and walls of concrete secondary containment systems.

(3) The following may be used to comply with this requirement:

~~(1)~~(a) society of protective coating and national association of corrosion experts SSPC-TU2/NACE 6G197, "*design, installation and maintenance of coating systems for concrete used in secondary containment*;"

~~(2)~~(b) American concrete institute 224R, "*control of cracking in concrete structures*;" or

~~(3)~~(c) American concrete institute "*concrete repair manual*."

F. Owners and operators shall maintain, repair and replace any geo-synthetic liner according to manufacturer's instructions, which owners and operators shall keep readily available at the facility for the life of the liner.

G. Owners and operators shall protect from corrosion any secondary containment constructed of steel, and shall cathodically protect any portion of the steel secondary containment that is in contact with soil or water. Owners and operators shall maintain the exterior of any steel secondary containment in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department. The following may be used to comply with this requirement: society of protective coatings SSPC-PA-1, "*shop, field, and maintenance painting of steel.*"

H. Owners and operators of above ground storage tanks which are either double-walled or which have an interstitial space that is monitored as a method of release detection shall comply with the following applicable requirements:

(1) where design and release detection method allow the interstice of a double-walled above ground storage tank to be visually inspected without disturbance of the release detection system, owners and operators shall monthly visually inspect for the presence of water, regulated substances or debris;

~~(2) owners and operators shall notify the department in accordance with 20.5.7 NMAC if a visual inspection, other inspection or testing conducted in accordance with 20.5.5 or 20.5.6 NMAC indicate that a release may have occurred;~~

~~(3)~~(2) if testing conducted in accordance with 20.5.4, 20.5.5 or 20.5.6 NMAC indicates that the stored regulated substance is leaking into the interstice of the AST, then owners and operators shall have the tank repaired in accordance with the tank manufacturer's instructions or specifications, or with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory;

~~(4)~~(3) owners and operators shall monitor all vertical ASTs with an interstitial space between the tank bottom and secondary containment for the presence of water or regulated substances; if gravity drain valves are used for monitoring and removal of water or regulated substances, owners and operators shall keep them closed except during the process of monitoring and draining;

~~(5)~~(4) owners and operators shall keep all sumps associated with interstitial monitoring free of water;

~~(6)~~(5) owners and operators shall annually inspect and test all sensors used to monitor interstitial spaces, ~~annually~~ in accordance with manufacturer's ~~recommendations~~ testing protocol, or in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department;

~~(7)~~(6) owners and operators shall remove all liquid found in interstitial spaces, and dispose of it properly.

[20.5.5.10 NMAC - Rp, 20.5.5.401 NMAC, 04/04/2008]

20.5.5.11 OPERATION, REPAIR AND MAINTENANCE OF SECONDARY CONTAINMENT FOR USTS:

A. Owners and operators of underground storage tank systems shall operate, maintain and repair secondary containment in accordance with the manufacturer's instructions or specifications, or with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department. The following may be used to comply with this requirement:

(1) U.S. environmental protection agency #510-R-05-001, "*ust systems: inspecting and maintaining sumps and spill buckets*;" or

(2) U.S. environmental protection agency #510-B-05-002, "*operating and maintaining underground storage tank systems: practical help and checklists.*"

B. Owners and operators shall draw off ~~water~~ liquid that has accumulated in the secondary containment, including all sumps, within one week of ~~a rainfall event~~ any accumulation of liquid, and shall remove any other debris that has accumulated inside the secondary containment. Owners and operators shall properly treat and dispose of any accumulated ~~water~~ liquid with a visible sheen.

[20.5.5.11 NMAC - N, 04/04/2008]

20.5.5.12 OPERATION, REPAIR AND MAINTENANCE OF VAULTS:

A. Owners and operators shall operate, maintain and repair the walls and floor of a vault in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department. The following may be used to comply with this requirement:

(1) society of protective coating and national association of corrosion experts SSPC-TU2/NACE 6G197, "*design, installation and maintenance of coating systems for concrete used in secondary containment*;"

(2) American concrete institute 224R, "*control of cracking in concrete structures*;" or

(3) American concrete institute "*concrete repair manual*."

B. Owners and operators shall visually inspect the interior of any vault from the outside monthly, and annually shall enter and inspect the interior of the vault. Owners and operators shall draw off any ~~water~~ liquid that has accumulated in a vault within one week of ~~a rainfall event~~ any accumulation of liquid if the ~~water~~ liquid is in contact with the tank or piping (but need not draw off ~~water~~ liquid only in contact with a tank's saddles, skid or other support), and shall remove any other debris that has accumulated inside the vault and which is in contact with the tank, piping or saddle, skid or other support. Owners and operators shall properly treat and dispose of any accumulated ~~water~~ liquid with a visible sheen. If a sump is located in the vault, owners and operators shall keep the liquid trap free of water and debris. Owners and operators shall not install any valves in any sump in a vault.

C. Owners and operators shall not store inside a vault any material which is chemically reactive with

the regulated substance stored in the AST system, or with the AST itself.

D. Owners and operators shall ensure that a vault is well vented before any fuel transfer begins, and shall keep open all vents during the transfer.

E. For vaults with roofs, owners and operators shall properly maintain and repair the roof of a vault in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department.

[20.5.5.12 NMAC - Rp, 20.5.5.402 NMAC, 04/04/2008]

20.5.5.13 OPERATION, REPAIR AND MAINTENANCE OF VENTING SYSTEMS: Owners and operators shall operate, maintain and repair venting systems in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department. At least monthly, owners and operators shall check emergency vents to ensure they are operational. The following may be used to comply with this requirement: national fire protection association standard 91, "*standard for exhaust systems for air conveying of vapors, gases, mists, and noncombustible particulate solids.*"

[20.5.5.13 NMAC - Rp, 20.5.5.403 NMAC, 04/04/2008]

20.5.5.14 OPERATION AND MAINTENANCE OF SPILL AND OVERFILL PREVENTION:

A. Owners and operators shall ensure that releases due to spilling or overfilling do not occur. Owners and operators shall ensure that all spill and overfill equipment required in 20.5.4.33 NMAC is properly maintained and fully operational at all times. Owners and operators shall ensure that the volume available in a tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling. Owners and operators shall comply with the transfer procedures described in the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department. The following may be used to comply with this requirement:

(1) national fire protection association standard 385, "*standard for tank vehicles for flammable and combustible liquids*;"

(2) American petroleum institute publication RP 1621, "*bulk liquid stock control at retail outlets*;"

(3) national fire protection association 30, "*flammable and combustible liquids code*;"

(4) national fire protection association 30A, "*code for motor fuel dispensing facilities and repair garages*;"

(5) petroleum equipment institute publication RP200, "*recommended practices for installation of above ground storage systems for motor vehicle fueling*;" or

(6) international code council, "*international fire code*."

B. Owners and operators shall report, investigate, and clean up any spills and overfills in accordance with 20.5.7 NMAC.

[20.5.5.14 NMAC - Rp, 20.5.5.500 NMAC, 04/04/2008]

20.5.5.15 OPERATION AND MAINTENANCE OF CORROSION PROTECTION: Owners and operators of steel storage tank systems with any steel tank or piping with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the storage tank system is used to store regulated substances.

A. Owners and operators shall operate and maintain corrosion protection systems to continuously provide corrosion protection to all metal components of the system that routinely contain regulated substances and are in contact with the ground or water. Owners and operators shall operate and maintain corrosion protection systems in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department. The following may be used to comply with this requirement:

(1) steel tank institute, "*specification for sti-P3 system of external corrosion protection of underground steel storage tanks*;"

(2) underwriters laboratories standard 1746, "*external corrosion protection system for steel underground storage tanks*;"

(3) underwriters' laboratories of Canada CAN4-S603-N85, "*standard for steel underground tanks for flammable and combustible liquids*;"

(4) underwriters' laboratories of Canada CAN4-G03.1-M85, "*standard for galvanic corrosion protection systems for underground tanks for flammable and combustible liquids*;"

(5) underwriters' laboratories of Canada CAN4-S631-M84, "*isolating bushings for steel underground tanks protected with coatings and galvanic systems*;"

(6) national association of corrosion engineers international standard RP0-0285, "*corrosion control of underground storage tanks systems by cathodic protection*;" or

(7) underwriters laboratories standard 58, "*standard for safety for steel underground tanks for flammable and combustible liquids.*"

B. Owners and operators shall ensure that all storage tank systems equipped with cathodic protection are inspected for proper operation by a qualified corrosion expert in accordance with the following requirements:

(1) frequency: owners and operators shall test all cathodic protection systems within six months of installation and at least every three years thereafter or according to another reasonable time frame approved in advance by the department; and

(2) inspection criteria: the criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department;

(3) the following may be used to comply with this requirement:

(a) national association of corrosion engineers international RP0285, "*corrosion control of underground storage tank systems by cathodic protection*;"

(b) national fire protection association 30, "*flammable and combustible liquids code*;"

(c) national fire protection association 30A "*code for motor fuel dispensing facilities and repair garages*;"

(d) American petroleum institute publication RP 1615, "*installation of underground petroleum storage systems*;"

(e) American petroleum institute publication RP 1632, "*cathodic protection of underground petroleum storage tanks and piping systems*;"

(f) national association of corrosion engineers international RP0169, "*control of external corrosion on underground or submerged metallic piping systems*;" or

(g) international code council, "*international fire code*."

C. Owners and operators shall inspect storage tank systems with impressed current cathodic protection systems every 60 days to ensure the equipment is running properly. Owners and operators shall record the date, time, readings and results of each inspection in a log kept at the facility, and indicate who performed each inspection.

D. For storage tank systems using cathodic protection, owners and operators shall maintain records of the operation of the cathodic protection in accordance with 20.5.5.19 NMAC to demonstrate compliance with the performance standards in this section. These records shall provide the following:

(1) the results of the last three inspections required in Subsection C of this section; and

(2) the results of testing from the last two inspections required in Subsection B of this section.

[20.5.5.15 NMAC - Rp, 20.5.5.501 NMAC, 04/04/2008]

20.5.5.16 COMPATIBILITY: Owners and operators shall use a storage tank system made of or lined with materials that are compatible with the substance stored in the storage tank system. Owners and operators storing alcohol blends shall use the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department. The following may be used to comply with this requirement:

A. American petroleum institute publication RP1626, "*storing and handling ethanol and gasoline-ethanol blends at distribution terminals and service stations*;" or

B. American petroleum institute publication RP1627, "*storage and handling of gasoline-methanol/cosolvent blends at distribution terminals and service stations*."

[20.5.5.16 NMAC - Rp, 20.5.5.502 NMAC, 04/04/2008]

20.5.5.17 REPAIRS, REPLACEMENTS AND MODIFICATIONS: Owners and operators of a storage tank system shall ensure that repairs, replacements and modifications will prevent releases due to structural failure or corrosion as long as the storage tank system is used to store regulated substances.

A. Determining whether repair, replacement or modification is necessary. Owners and operators shall determine whether a repair, replacement or modification to a storage tank system is necessary in consultation with a department inspector, after providing notice required by this part.

(1) If owners and operators are repairing, replacing or modifying piping of any kind that is connected to a storage tank, the determination shall be made during an on-site inspection that provides the inspector the opportunity to view the piping while it is exposed.

(2) If, during an on-site inspection, the inspector determines that:

(a) any steel piping connected to a tank indicates corrosion;

(b) any rigid fiberglass-reinforced piping connected to a tank shows signs of deterioration or failure; or

(c) any flexible piping connected to a tank shows any signs of deterioration or failure,

(3) Then the owner and operator shall replace all piping connected to that tank, and shall inspect all other piping at the same facility that is made of the same material to determine its condition prior to returning the facility to operation.

B. Owners and operators shall properly conduct repairs, replacements and modifications to storage tank systems in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department, and in accordance with the manufacturer's instructions and recommended practices. The following may be used to comply with this requirement:

(1) national fire protection association 30, "*flammable and combustible liquids code*;"

(2) American petroleum institute publication RP 2200, "*repairing crude oil, liquified petroleum gas, and product pipelines*;"

(3) American petroleum institute publication RP 1631, "*interior lining and periodic inspection of underground storage tanks*,"

(4) national leak prevention association standard 631, "*spill prevention, minimum 10 year life extension of existing steel underground tanks by lining without the addition of cathodic protection*;"

(5) national fire protection association 30A, "*code for motor fuel dispensing facilities and repair garages*;"

(6) petroleum equipment institute publication RP200, "*recommended practices for installation of above ground storage systems for motor vehicle fueling*;"

(7) American society for testing and materials ES40, "*emergency standard practice for alternative procedures for the assessment of buried steel tanks prior to the addition of cathodic protection*;"

(8) American petroleum institute 570, "*piping inspection code: inspection, repair, alteration and rerating of in-service piping systems*;"

(9) American petroleum institute standard 653, "*tank inspection, repair, alteration, and reconstruction*;"

(10) American society of mechanical engineering standard B31.1, "*process piping*;" or

(11) international code council, "*international fire code*."

C. Owners and operators shall not internally line ASTs as a means of repair.

D. Owners and operators shall tightness test a storage tank system that has been replaced, modified or repaired, prior to returning the system to service, in accordance with 20.5.6.15 and 20.5.6.10 NMAC and 20.5.6.23 NMAC except as provided below:

(1) the repaired or modified tank is internally inspected in accordance with the current edition of an industry standard or code of practice approved in advance by the department;

(2) the repaired or modified portion of the storage tank system is monitored monthly for releases in accordance with a method specified in 20.5.6.16, 17, 18, 19, 20, 21, or 22 NMAC; or

(3) owners and operators shall use an equivalent test method, which complies with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department.

E. Upon completion of a modification or repair of any cathodically protected storage tank system, owners and operators shall test the cathodic protection system in accordance with Subsections B and C of 20.5.5.15 NMAC to ensure that it is operating properly.

F. Owners and operators of a storage tank system shall maintain records of each repair, replacement and modification for the remaining operating life of the storage tank system that demonstrate compliance with the requirements of this section.

G. Owners and operators shall repair an above ground storage tank if an internal inspection determines that a release is occurring or that the tank bottom or shell thickness is below minimum thickness requirements. Owners and operators shall keep the records of internal inspections for the life of the tank. Minimum thickness requirements shall be determined by one of the following:

(1) manufacturer's specifications;

(2) current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department; or

(3) minimum thickness for the tank bottom shall never be less than one half of the original bottom plate thickness and minimum thickness for the tank shall never be less than 0.1 inch.

H. Owners and operators shall meet all applicable installation requirements of 20.5.4 NMAC, including testing requirements, when repairing, replacing or modifying a storage tank system involves installing new components. If any tank or piping of a tank system is replaced, owners and operators shall follow all requirements for properly assessing the site for contamination in compliance with 20.5.8 NMAC prior to installing the new components.

[20.5.5.17 NMAC - Rp, 20.5.5.503 NMAC, 04/04/2008]

20.5.5.18 REPORTING: Owners and operators of a storage tank system shall cooperate fully with inspections, monitoring and testing conducted by the department, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to Section 9005 of Subtitle I of the federal Resource Conservation and Recovery Act, as amended. Owners and operators shall submit the following information to the department:

A. registration for all storage tank systems in accordance with 20.5.2 NMAC, which includes certification of installation for new UST and AST systems in accordance with Subsection C of 20.5.4.37 NMAC;

B. reports of all releases in accordance with 20.5.2 NMAC and the requirements in 20.5.7 NMAC for reporting suspected releases, spills and overfills and confirmed releases;

C. corrective actions planned or taken as required by 20.5.12 and 20.5.13 NMAC;

D. notification before storage tank system installation, replacement, repair or modification in accordance with 20.5.5 NMAC, and before permanent closure or change-in-service in accordance with 20.5.8 NMAC; it may not be feasible for owners and operators to provide advance notice of emergency repairs; however, owners and operators shall provide notice of emergency repairs as soon as possible after completing emergency repairs; and

E. updated project drawings for any addition, replacement or modification of a storage tank system.

[20.5.5.18 NMAC - Rp, 20.5.5.504 NMAC, 04/04/2008]

20.5.5.19 RECORD KEEPING:

A. Owners and operators shall maintain the following information:

(1) a corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used, in accordance with 20.5.4.12 NMAC and 20.5.4.22 NMAC;

(2) documentation of operation of corrosion protection equipment that demonstrate compliance with 20.5.5.15 NMAC;

(3) documentation of storage tank system repairs, replacements and modifications that demonstrate compliance with 20.5 NMAC;

(4) recent compliance with release detection requirements in accordance with 20.5.6 NMAC;

(5) results of the site investigation conducted at permanent closure in accordance with 20.5.8 NMAC;

(6) inspection logs required by 20.5.5 NMAC and 20.5.6 NMAC;

(7) tank tightness, internal inspection and integrity test documents required by 20.5 NMAC;

(8) any document approving any alternate method; and

(9) any other record or written approval required in 20.5 NMAC.

B. Availability and maintenance of records. Owners and operators shall keep the required records for the operational life of a tank, piping and tank system either:

(1) at the storage tank site and immediately available for inspection by the department; or

(2) at a readily available alternative site and the records shall be provided for inspection to the department upon request; if records are not available at a site during inspection, owners and operators shall mail or send by facsimile transmission to the inspector within 10 working days all records requested by the inspector;

(3) in the case of permanent closure records required under 20.5.8 NMAC, owners and operators are

also provided with the additional alternative of mailing closure records to the department if they cannot be kept at the site or an alternative site as indicated above.

C. If the owner and operator of a storage tank are separate persons, only one person is required to comply with the requirements of this section; however, both parties are liable in the event of noncompliance.

[20.5.5.19 NMAC - Rp, 20.5.5.504 NMAC, 04/04/2008]

20.5.5.20 INSPECTIONS, MONITORING AND TESTING:

A. For the purpose of enforcing the provisions of these regulations, all owners and operators of storage tanks shall, upon the request of the secretary or authorized department representatives, furnish information relating to such tanks, including tank equipment and contents, conduct monitoring or testing, and permit any department representative at all reasonable times to have access to, and to copy all records relating to such tanks. Owners and operators shall comply with all applicable and appropriate Occupational Health and Safety Act requirements, NMSA 1978, Sections 50-9-1 through 50-9-25, so that storage tanks may be safely inspected. For the purpose of enforcing these regulations, department officers, employees, or representatives are authorized to:

(1) enter at reasonable times any establishment or place where a storage tank is located;

(2) inspect the storage tank system and obtain samples of its contents; and

(3) conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water, or groundwater.

B. The department shall commence and complete each inspection with reasonable promptness. If the secretary or department representative obtains any samples, prior to leaving the premises he shall give to the owner, operator or agent in charge a receipt describing the sample obtained and, if requested, a portion of each sample equal in volume or weight to the portion retained. If any analysis is made of the samples, a copy of the results of the analysis shall be furnished promptly to the owner, operator or agent in charge.

C. Owners and operators shall permit the department or authorized department representative to be present at and inspect all storage tank system installations, replacements, repairs, substantial modifications, installations of leak detection systems and storage tank system closures.

[20.5.5.20 NMAC - Rp, 20.5.5.505 NMAC, 04/04/2008]

20.5.5.21 REQUIRED NOTIFICATION PRIOR TO REPLACEMENT, REPAIR AND MODIFICATION: To ensure that an inspector has an opportunity to be present during the steps in procedures which are important to the prevention of releases, owners, operators, and certified tank installers shall give the department notice of the dates on which critical junctures in the replacement, repair, and modification of the storage tank system are to take place. Notice need not be provided for normal maintenance. The inspector may require that critical junctures be performed from Monday through Friday during regular business hours.

A. For replacements, modifications (including internal lining or changes to cathodic protection systems), and repairs, the term "critical junctures" means:

(1) completion of the excavation of existing tanks or piping;

(2) actual performance of the repair, lining or modification;

(3) any time during the project in which components of piping are connected; and

(4) any time during the project in which a tank or its associated piping is tested.

B. Owners, operators and certified tank installers shall give at least 30 days written notice before the replacement, modification or repair of a storage tank system. It may not be feasible for owners, operators, and certified tank installers to provide advance notice of emergency repairs; however, owners, operators, and certified tank installers shall provide notice of emergency repairs as soon as possible after completing emergency repairs. At a minimum, the notice for replacements, modifications, and repairs shall contain the following information:

(1) date the form is completed;

(2) facility name, number, address (with county), and telephone number;

(3) owner name, number, address, and telephone number;

(4) contractor name, address, and telephone number;

(5) description of type of replacement, modification or repair to be performed (such as spill containment, overspill prevention, release detection, piping or other);

(6) expected date on which replacement, modification or repair will be performed;

(7) whether any part of the system is within 1,000 feet of a community water system or a potable drinking water well; and

(8) signature of owner, operator or an authorized representative.

C. In addition to the written notices described in this section, owners, operators and certified tank installers shall give oral notice at least 24 hours in advance of the commencement of the procedure. In the oral notice, owners, operators and certified tank installers shall describe any changes to the 30-day written notice required in Subsection B of this section, such as different equipment or installation methods.

D. If owners, operators and certified tank installers are separate persons, only one person is required to comply with the notice requirements of this section; however, all parties are liable in the event of noncompliance.

[20.5.5.21 NMAC - Rp, 20.5.5.505 NMAC, 04/04/2008]

[The bureau provides an optional form that may be used for notification of replacement, repair and modification. The form is available on the department's website, www.nmenv.state.nm.us or by contacting the Petroleum Storage Tank Bureau at 505-476-4397 or 1301 Siler Road, Building B, Santa Fe, New Mexico 87507.]

20.5.5.22 DEPARTMENT REVIEW AND APPROVAL OF PLANS, INSTALLATION, OPERATION AND MAINTENANCE: Owners and operators shall view any inspection, review or approval by the department as permission to proceed in accordance with all applicable rules, codes and standards. Review and approval by the department shall not relieve any owner, operator, or certified tank installer of his responsibility for compliance. If the department overlooks any deficiencies or violations in the course of plan review or inspection provided in 20.5 NMAC, the department may later require correction and compliance.

[20.5.5.22 NMAC - N, 04/04/2008]

20.5.5.23 ALTERNATE METHODS:

A. If owners and operators want to operate, maintain, replace, repair or modify any part of a storage tank system with materials or ~~by another~~ methods~~, other than that specified in this part,~~ that are not in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory, owners and operators shall apply in writing to the department, shall provide supporting documentation, and shall not begin to operate, maintain, replace, repair or modify the system, unless and until the department approves the request in writing. At a minimum, the request for an alternate method shall contain the following:

(1) date the form is completed;

(2) facility name, number, address (with county) and telephone number;

(3) owner name, number, address and telephone number;

(4) citation to regulation for which alternate method or material (such as type of piping) is requested;

(5) brief description of the proposed alternate method or material; ~~and~~

(6) justification of proposed alternate method or material, including citation to ~~the~~ a standard or code supporting its use, if available, and;

(7) demonstration of its equivalent protection of public health, safety and welfare and the environment.

B. The department shall not grant the request unless owners and operators demonstrate that the request will provide equivalent protection of public health, safety and welfare and the environment.

[20.5.4.23 NMAC - N, 04/04/2008]

[The bureau provides an optional form that may be used for notification of replacement, repair and modification. The form is available on the department's website, www.nmenv.state.nm.us or by contacting the Petroleum Storage Tank Bureau at 505-476-4397 or 1301 Siler Road, Building B, Santa Fe, New Mexico 87507.]

HISTORY OF 20.5.5 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-5, Underground Storage Tank Regulations-Part V-General Operating Requirements, filed 9/12/88.
EIB/USTR-5, Underground Storage Tank Regulations-Part V-General Operating Requirements, filed 2/14/89.
EIB/USTR-5, Underground Storage Tank Regulations-Part V-General Operating Requirements, filed 8/4/89.
EIB/USTR-5, Underground Storage Tank Regulations-Part V-General Operating Requirements, filed 6/12/90.

History of Repealed Material: 20 NMAC 5.5, Underground Storage Tanks - General Operating Requirements (filed 2/27/97), repealed 8/15/03.
20.5.5 NMAC, Petroleum Storage Tanks, General Operating Requirements (filed 7/16/03) repealed 4/4/08.

Other History:
EIB/USTR-5, Underground Storage Tank Regulations - Part V - General Operating Requirements, filed 6/12/90, renumbered, reformatted and replaced by 20 NMAC 5.5, Underground Storage Tanks - General Operating Requirements, effective 11/5/95;
20 NMAC 5.5, Underground Storage Tanks - General Operating Requirements filed 10/6/95 replaced by 20 NMAC 5.5, Underground Storage Tanks - General Operating Requirements, effective 4/1/97;
20 NMAC 5.5, Underground Storage Tanks - General Operating Requirements, filed 2/27/97 was renumbered, reformatted and replaced by 20.5.5 NMAC, Petroleum Storage Tanks, General Operating Requirements, effective 8/15/03.
20.5.5 NMAC, Petroleum Storage Tanks, General Operating Requirements (filed 7/16/03) replaced by 20.5.5 NMAC, Petroleum Storage Tanks, General Operating Requirements, effective 4/4/08.