

This is an amendment to 20.5.5 NMAC, Sections 3, 8, 9, 10, 11, 12 and 23, effective March 17, 2012.

20.5.5.3 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, and the general provisions of the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 through ~~74-1-16~~ 74-1-17.
[20.5.5.3 NMAC - Rp, 20.5.5.3 NMAC, 04/04/2008; A, 03/17/2012]

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; A, 03/17/2012]

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 20.5.8.9 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; A, 03/17/2012]

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 overflow 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~~[-The following may be used to comply with this requirement]:~~

- (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.

F. The following may be used to comply with the concrete secondary containment system repair requirement in Subsection E above:

- (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.*”

~~[F-]G.~~ 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-]H.~~ 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-]I.~~ 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; and

~~[(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; A, 03/17/2012]

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; A, 03/17/2012]

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;*"
- (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; A, 3/17/2012]

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 ~~[by another method, other than that specified in this part,]~~ with materials or methods 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; A, 03/17/2012]

[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.]