

This is an amendment to 20.5.6 NMAC, Sections 2, 3, 9, 11, 20, 23 and 24, effective March 17, 2012.

20.5.6.2 SCOPE: This part applies to owners and operators of storage tanks as provided in 20.5.1 NMAC, except that emergency generator systems are exempt from the requirements of this part. 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. [20.5.6.2 NMAC - Rp, 20.5.6.2 NMAC, 04/04/2008; A, 03/17/2012]

20.5.6.3 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. [20.5.6.3 NMAC - Rp, 20.5.6.3 NMAC, 04/04/2008; A, 03/17/2012]

20.5.6.9 REQUIREMENTS FOR UST SYSTEMS: Owners and operators of all UST systems shall comply with the release detection requirements of this section.

A. Owners and operators of new and existing UST systems shall provide a method or combination of methods of release detection that:

(1) can detect a release from any portion of the tank, connected piping and ancillary equipment that routinely contains a regulated substance;

(2) is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for proper operating condition; and

(3) meets the applicable performance requirements in 20.5.6 NMAC with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer, following 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; in addition, methods for USTs used after December 22, 1990, except for methods permanently installed prior to that date, shall be capable of detecting the leak rate or quantity specified for that method in 20.5.6 NMAC with a probability of detection of 0.95 and a probability of false alarm of 0.05.

B. When a release detection method operated in accordance with the performance standards in 20.5.6 NMAC indicates a release may have occurred, owners and operators shall notify the department in accordance with 20.5.2.12 and 20.5.7 NMAC.

~~[C. Owners and operators of all UST systems shall comply with the release detection requirements of this section.]~~

~~[D.]~~ C. Owners and operators of underground storage tank systems shall provide release detection for tanks by monitoring monthly for releases using one of the methods listed in 20.5.6 NMAC with the following exceptions:

(1) UST systems installed prior to April 4, 2008 that meet the performance standards in 20.5.4 NMAC may use the monthly inventory control requirements in 20.5.6 NMAC, in conjunction with tank tightness testing conducted in accordance with this part at least every five years until 10 years after the tank is installed or upgraded under 20.5.4 NMAC;

(2) UST systems that do not meet the performance standards in 20.5.4 NMAC shall upgrade under 20.5.4 NMAC or permanently close under 20.5.8 NMAC; and

(3) USTs ~~[with capacity up to 2,000 gallons]~~ may use manual tank gauging conducted in accordance with ~~[20.5.6 NMAC;]~~ 20.5.6.14 NMAC.

~~(4)]~~ D. Owners and operators of UST systems installed or replaced as required by Subsection A of 20.5.4.15 NMAC after April 4, 2008 shall monitor the UST system monthly for releases using interstitial monitoring in accordance with 20.5.6.19 NMAC and Subsection D of 20.5.6.23 NMAC.

[20.5.6.9 NMAC - Rp, 20.5.6.601 NMAC, 04/04/2008; A, 03/17/2012]

20.5.6.11 REQUIREMENTS FOR PIPING: Owners and operators of petroleum storage tank systems shall provide release detection for piping that routinely contains regulated substances by following 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 by monitoring for releases in a manner specified below.

A. Owners and operators of piping that conveys regulated substances under pressure shall:

(1) equip pressurized piping with an automatic line leak detector in accordance with 20.5.6.23 NMAC; and

(2) conduct annual line tightness testing in accordance with 20.5.6.23 NMAC or conduct monthly monitoring in accordance with 20.5.6.23 NMAC, as applicable.

B. Piping that conveys regulated substances under suction shall either have a line tightness test conducted at least every three years in accordance with 20.5.6.23 NMAC or use a monthly monitoring method conducted in accordance with 20.5.6.23 NMAC. No release detection is required for suction piping that is designed and constructed to meet all of the following standards:

(1) the below-grade piping operates at less than atmospheric pressure;

(2) the below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;

(3) only one check valve is included in each suction line;

(4) the check valve is located directly below and as close as practical to the suction pump;

(5) a method is provided that allows compliance with Paragraphs (2) through (4) of Subsection B of this section to be readily determined.

C. Owners and operators of aboveground storage tank systems with underground piping that conveys regulated substances under suction shall either have a line tightness test conducted every 12 months and in accordance with Subsection B of 20.5.6.23 NMAC or conduct monthly monitoring in accordance with ~~Subsection E of~~ 20.5.6.23 NMAC.

D. Owners and operators of storage tank systems shall provide the department with a report on all line or piping tightness testing conducted on their petroleum storage tank systems that includes the following:

(1) name of the technician who performed the test;

(2) training and equivalent experience of the technician in the type of testing performed, including certification numbers and national association where certification was obtained or a detailed description of where and when the technician gained experience;

(3) brand name and model number of the testing equipment used during the test, date the testing equipment was last calibrated and by whom;

(4) date of the test;

(5) duration of the test; and

(6) results of the test.

E. Owners and operators shall provide release detection for piping by monitoring at least monthly for releases using one of the methods in 20.5.6.23 NMAC, except if using automatic line leaks detectors in compliance with Subsection A of 20.5.6.23 NMAC or line tightness testing in compliance with Subsection B of 20.5.6.23 NMAC.

[20.5.6.11 NMAC - Rp, 20.5.6.601 NMAC, 04/04/2008; A, 03/17/2012]

20.5.6.20 VISUAL INSPECTION REQUIREMENTS FOR ASTS:

A. Owners and operators of ASTs may use visual inspection as a method of release detection if:

~~[(A)](1)~~ all portions of the ASTs, including the AST bottoms, are completely visible, readily accessible, not in contact with the ground or soil and are inspected monthly;

~~[(B)](2)~~ owners and operators maintain a written log of the visual inspections for each AST conducted monthly to include the following:

~~[(1)](a)~~ the date and time the inspection was conducted;

~~[(2)](b)~~ name and signature of the person who conducted the inspection;

~~[(3)](c)~~ comments on the condition of each AST;

~~[(4)](d)~~ the results of each inspection; and

~~[(5)](e)~~ the volume of water found in the AST and if the water has been removed from the

tank; and

~~[(C)](3)~~ owners and operators keep visual inspection logs available at the facility.

B. Owners and operators of double-walled and double-bottomed AST systems shall include inspection of the interstice in the monthly visual inspection which shall be recorded in the log required in Paragraph (2) of Subsection A. Owners and operators of AST systems that use interstitial monitoring with an electronic liquid sensor as their monthly method of release detection in accordance with 20.5.6.21 NMAC do not have to meet the requirements of this subsection. The monthly inspection of the interstice shall use one of the following methods:

(1) manual sticking of the inspection or monitoring ports of the tank by use of a tank gauging stick that is calibrated to the nearest 1/8th of an inch;

(2) interstice is equipped with a mechanical float device that will visually signal when a liquid is present in the interstice;

(3) double-bottomed vertical ASTs with drain valves for the interstice are checked for the accumulation of regulated substances or water;

(4) the interstice is inspected per manufacturer's instructions; or

(5) vertical ASTs inside secondary containment that meet the requirements of 20.5.4 NMAC and the secondary containment has been constructed so the space between the tank bottom and the concrete floor can be monitored or visually inspected.

[20.5.6.20 NMAC - N, 04/04/2008; A, 03/17/2012]

20.5.6.23 METHODS OF RELEASE DETECTION FOR PIPING: Each method of release detection for piping used to meet the requirements of 20.5.6 NMAC shall comply with the equipment manufacturer's ~~recommendations~~ testing protocol, shall be appropriate for the type and length of piping, and shall comply 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. Owners and operators shall conduct release detection in accordance with the following requirements:

A. automatic line leak detectors (including mechanical or electronic detectors); methods which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping may be used only if they detect leaks of three gallons per hour at 10 pounds per square inch line pressure within one hour; owners and operators shall conduct an annual test of the operation of the leak detector in accordance with the manufacturer's ~~requirements~~ testing protocol; owners and operators shall provide the department with a copy of the report for all leak detector testing, which shall include the following:

(1) name of the facility and facility address;

(2) name of the technician who performed the test;

(3) training and equivalent experience of the technician in the type of testing performed, including certification numbers and national association where certification was obtained or a detailed description of where and when the technician gained experience;

(4) brand name, model number, serial number of the leak detector and on what tank system the leak detector is installed;

(5) date of the test;

(6) leak rate at which the leak detector activated in gallons per hour;

(7) line pressure and functional element holding pressure in pounds per square inch;

(8) results of the test;

(9) type, diameter and length of piping the leak detector is installed upon; and

(10) whether the turbine shuts down when an alarm is triggered with an electronic line leak detector (if interstitial monitoring with a sensor is used);

B. line tightness testing; a periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure;

C. applicable tank methods; any of the methods in 20.5.6.16 NMAC through 20.5.6.19 NMAC may be used if they are designed to detect a release from any portion of underground piping that routinely contains regulated substances;

D. interstitial monitoring; owners and operators may use interstitial monitoring if they ensure that interstitial monitoring for double-walled piping, whether under pressure or under suction, is approved in advance by the department, and that the interstitial monitoring:

(1) complies with 20.5.6.19 NMAC for USTs or 20.5.6.21 NMAC for ASTs; and

(2) shall automatically shut off the turbine for the AST and UST if the sensors used for interstitial monitoring detect regulated substances or water within the interstice or in the containment sumps associated with the piping;

(3) for ASTs and USTs in operation on April 4, 2008, owners and operator shall have until July 1, 2011 to meet the requirements of Paragraph ~~(3)~~ (2) of this subsection; owners and operators that install tank systems after April 4, 2008 shall comply with all requirements of this subsection;

E. for above ground storage tanks, visual inspection may be used for piping if all portions of the piping are completely visible, readily accessible, not in contact with the ground or soil, and are inspected monthly; owners and operators shall keep a log of visual inspection of piping that meets the requirements of Subsections B and C of 20.5.6.20 NMAC;

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

- (1) petroleum equipment institute publication RP100, “*recommended practices for installation of underground liquid storage systems;*”
- (2) petroleum equipment institute RP200, “*recommended practices for installation of aboveground storage systems for motor vehicle fueling;*”
- (3) American petroleum institute publication RP 1615, “*installation of underground petroleum storage systems;*”
- (4) American petroleum institute 570, “*pipe inspection code: inspection repair, alteration, and rerating of in-service piping systems;*” and
- (5) American society of mechanical engineering standard B31.3, “*process piping.*”

[20.5.6.23 NMAC - Rp, 20.5.6.604 NMAC, 04/04/2008; A, 03/17/2012]

[The department provides an optional form that may be used for the report required in Subsection A. 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.]

20.5.6.24 ALTERNATE METHODS:

A. If owners and operators want to install ~~[another method]~~ materials or methods of release detection equipment for tanks or piping required in 20.5.6 NMAC that are not in accordance with the current edition of an industry ~~[code or]~~ 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 the installation 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. Another type of release detection method, or combination of methods, may be used if approved pursuant to this section, and if, for either ASTs or USTs, it can detect a 0.2 gallon per hour leak rate monthly or a release of 150 gallons within a month from a tank with a probability of detection of 0.95 and a probability of false alarm of 0.05. Owners and operators may propose inventory control as a method of leak detection for ASTs, which will only be approved on a case-by-case basis by the department in accordance with Subsections B and C of this section.

C. The department may approve another method if owners and operators can demonstrate that the method can detect a release as effectively as any of the applicable methods allowed in 20.5.6 NMAC. In comparing methods, the department shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator shall comply with any conditions imposed by the department on its use to ensure the protection of public health, safety and welfare and the environment. 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 as the methods provided in this section.

D. In addition to the requirements in Subsections B and C of this section, any request for an alternate method of release detection for hazardous substance UST systems, shall also include information on effective corrective action technologies, health risks and chemical and physical properties of the stored substance, and the characteristics of the UST site.

[20.5.6.24 NMAC - Rp, 20.5.6.605 NMAC, 04/04/2008; A, 03/17/2012]

[The department provides an optional form that may be used to request approval of an alternate method. 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.]