

This is an amendment to 20.5.7 NMAC, Sections 3 and 10, effective March 17, 2012.

20.5.7.3 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.
[20.5.7.3 NMAC - Rp, 20.5.7.3 NMAC, 6/15/2009; A, 3/17/2012]

20.5.7.10 CONFIRMED RELEASES:

- A. Owners, operators and certified installers of storage tank systems shall report the following conditions to the department within 24 hours, in accordance with 20.5.7.8 NMAC:
- (1) visible leaks or seeps from any part of a storage tank system; ~~and~~
 - (2) evidence of released regulated substances at the storage tank site including, but not limited to, the presence of non-aqueous phase liquid or vapors in soils, basements, sewer and utility lines, groundwater, drinking water or nearby surface water; and
 - (3) evidence of released regulated substances in soils, including, but not limited to:
 - (a) any soil analytical results that indicate the presence of total petroleum hydrocarbons at concentrations equal to or exceeding 100 parts per million;
 - (b) any petroleum hydrocarbon vapor field screening results that exceed 100 whole instrument units; or
 - (c) significant visible staining or obvious petroleum odors.
- B. Owners and operators of storage tank systems shall address confirmed releases in accordance with 20.5.12 and 20.5.13 NMAC, and shall close the system in accordance with 20.5.8 NMAC until the system is repaired or replaced so that the release will not recur.
[20.5.7.10 NMAC - Rp, 20.5.7.702 NMAC, 6/15/2009; A, 3/17/2012]
[To provide notice to the department under this section, telephone the department staff person currently on duty; to obtain this number, check the department's website at www.nmenv.state.nm.us/ust/leakweek.html.]