

**STATE OF NEW MEXICO ENVIRONMENT DEPARTMENT
STORAGE TANK COMMITTEE MEETING
Tony Anaya Building
Rio Grande Room
Santa Fe, NM 87505**

March 27, 2013 Minutes

The meeting of the Storage Tank Committee was called to order by Mr. Tom Skibitski, Chair, at 10:04a.m.

Members Present:

Tom Skibitski, Chair
Ryan Briggs, STC Member
Brent Neil, STC Member
Jeff Scarbrough, STC Member
Benjamin Hodges, STC Member
Stephen McLin, STC Member

Others:

Dana Bahar, NMED/PSTB
Lorena Goerger, NMED/PSTB
Joyce Shearer, NMED/PSTB
Kalvin Martin, NMED/PSTB
Stephen Reuter, NMED/PSTB
Delia Flores, NMED/PSTB
Susan Von Gonten, NMED/PSTB
Marlene Cordova, NMED
Vince Lithgow, NMED
Lonnie Hudson, NMED
Ruben Baca, NMPMA
Steve Huddleson, Western Solutions
Justin Bobb, Glorieta Geoscience
Toni McKnight, Envirotech
John Casey, Basin Engineering
Tim Littlewood, Western Refining
Liz Brown, Brown Environmental
Bill Brown, Brown Environmental
Jeff Walker, WTI
Reid Allan, SMA

Item #1 ROLL CALL

Roll call was taken and it was determined that a quorum was present.

Item #2 APPROVAL OF THE AGENDA

The Chair called for a motion to approve the Agenda. Mr. Briggs moved to accept the agenda and the motion was seconded by Mr. Neil. The agenda was passed unanimously.

Item #3 APPROVAL OF THE MINUTES

The Chair called for a motion to approve the December 14, 2012 minutes. Mr. Scarbrough moved to accept the minutes and the motion was seconded by Mr. McLin. The minutes were passed unanimously.

Item # 4 REMEDIAL ACTION SITES UPDATE

Ms. Joyce Shearer, Remedial Action Program Manager, reported on the *December, January and February* workplan approval spreadsheets.

Below are the workplan approvals reported by month:

December 2012

<u>Responsible Party</u>		<u>State Lead</u>	
32	\$2,031,767.15	3	\$57,416.91
<u>Addendums</u>		<u>Addendums</u>	
0	\$.0	0	\$.0
Total	\$ 2,031,767.15	Total	\$57,416.91
GRAND TOTAL		\$ 2,089,184.06	

The Program reported approved workplans for an excavation and disposal project in Springer, upgrade of a remediation system in Farmington, costs for an additional year of operation and maintenance of two remediation systems in Portales, and an emergency response in Gallup for a suspected release.

January 2013

<u>Responsible Party</u>		<u>State Lead</u>	
17	\$723,199.67	8	\$908,802.71
<u>Addendums</u>		<u>Addendums</u>	
0	\$.0	0	\$.0
Total	\$723,199.67	Total	\$908,802.71
GRAND TOTAL		\$ 1,632,002.38	

The Program reported approval of a change order to an existing workplan to excavate and dispose of an additional amount of contaminated soil in Tucumcari. Workplans were approved for one year of operation and maintenance of a product recovery system in Albuquerque, and for installation of an additional well for a product recovery in Portales. An additional year of operation and maintenance for Yale Auto site in Albuquerque, Santa Fe Judicial Complex site in Santa Fe, Indian Hills/ Canyon Auto site in Zuzax and the Mike's Auto Detail site in Belen were also approved.

February 2013

<u>Responsible Party</u>		<u>State Lead</u>	
36	\$806,163.14	7	\$36,013.26
<u>Addendums</u>		<u>Addendums</u>	
0	\$.0	0	\$.0
Total	\$806,163.14	Total	\$36,013.26
GRAND TOTAL		\$ 842,176.40	

The Program reported approval of groundwater monitoring workplans for a number of sites, and operation and maintenance costs for Save Gas #3/Triangle Truck Stop in Deming.

Item #5 CORRECTIVE ACTION FUND UPDATE

Ms. Bahar and Ms. Delia Flores, the Acting Reimbursement Section Manager presented the Corrective Action Fund Updates for the months of *December, January* and *February*.

December 2012:

Beginning Cash	\$ 13,994,916	Reserve	\$ 1,000,000
Loading Fee	1,615,548	Work plan liabilities	11,974,999
Payments	(657,659)	Un-obligated	1,977,806
Operating Transfer	0		
Ending Cash	\$ 14,952,805		

January 2013:

Beginning Cash	\$ 14,952,805	Reserve	\$ 1,000,000
Loading Fee	1,480,242	Work plan liabilities	12,617,810
Payments	(723,251)	Un-obligated	1,396,410
Operating Transfer	(695,575)		
Ending Cash	\$ 15,014,221		

February 2013:

Beginning Cash	\$ 15,014,221	Reserve	\$ 1,000,000
Loading Fee	1,489,061	Work plan liabilities	11,850,971
Payments	(1,487,570)	Un-obligated	773,591
Operating Transfer	(1,391,150)		
Ending Cash	\$ 13,624,562		

The Program reported that the unobligated balance has stayed consistent at \$2 million ranging from \$1.9 million in December to 1.3 million in January. Two operating transfers in February reduced the unobligated balance to \$773,591. It is anticipated that transfers to the fund in March will re-establish the unobligated balance to approximately \$2 million. The Bureau is consistent with past months expenditures at the same time and payments have stayed steady on all claims.

Ms. Bahar took the Committee through the CAF 30% Distribution and PSTB/RPD Operating Budget spreadsheet. (A copy of this is available on the webpage.)

Mr. McLin asked if the 30% Distribution varies year to year. Ms. Bahar responded that percentage, 30%, remains constant in accordance with the statute.

Mr. McLin asked if the grant money came from the Bureau. Ms. Bahar responded that grants are awarded to the various Bureaus in the Department by the U.S. Environmental Protection Agency, and they are matched in part by the 30% CAF allocation.

(The entire monthly report is available at www.nmenv.state.nm.us/pstc.)

Item # 6 PREVENTION AND INSPECTION UPDATE

Mr. Kalvin Martin, Prevention Inspection Program Manager, updated the Committee on the Prevention and Inspection Program. Mr. Martin provided the Committee with a handout Petroleum Inspector Districts, which shows the areas in the state that the respective inspectors cover. Nine inspectors are located in offices throughout the state. A Compliance Assistance Coordinator is located in Santa Fe and his role is to coordinate with inspectors in implementing the Delivery Prohibition regulations. The average number of facilities per inspector is about 170-200 facilities including both above and underground tanks.

Another handout was presented to the Committee, Petroleum Storage Tank Sites Facilities and Tanks per County. This handout lists facilities and tanks per county. By EPA rule these UST facilities have to be inspected at least every three years. Also a handout was provided on Tank and Facility Statistics, the first grouping is statistics on Owners, Operators and Facilities with active AST and UST Tanks.

(The entire monthly report including all handouts is available at www.nmenv.state.nm.us/pstc.)

Tank and Facility Statistics

803 Owners

*121 Operators

3356 UST's, 1250 facilities

1401 AST's, 620 facilities

*Not to be confused with certified A, B and C operators; as of November 2012 the number of trained A and B operators in NM is at approximately 1,656 since training was initiated in January 2010.

Performance Measures

The compliance inspection statistics are just for USTs, for the reporting period from October 1, 2011 to September 30, 2012. A total of 691 UST facilities were inspected. 331 facilities were issued Notices of Violations. Performance measures show that 80% of the UST facilities inspected were in compliance with release prevention measures, and 82% of the UST facilities were in compliance with release detection performance measures. Release prevention performance measures include spill prevention, overflow prevention and corrosion protection. Release detection measures are compliance measures for piping and tank systems.

Mr. Scarbrough wanted to know if this number was calculated after some of the issues are worked through with the inspector. Mr. Martin responded this is a snap shot when the inspector goes out and does an inspection.

Mr. Hodges asked if there are certain areas in the state that were receiving more NOVs than others. Mr. Martin stated that the Program does not track that information.

Mr. Scarbrough asked if compliance has gotten better since the Bureau has started Operator Training. Mr. Martin stated the only way they can track that information is if they look on the inspection reports and see if it is marked that the facility has a trained operator. The program does not have a way yet to track that in the data base. Also, the Program has not done any statistical analysis yet to answer the question, but based on what the inspectors have reported back they are seeing a lot better compliance and a lot of the minor things are taken care of than prior to the implementation of operator training. In addition, the program reported 60% compliance before operator training was implemented and now the Program reports 70% compliance.

Another handout was provided to the Committee, Public Record on Underground Storage Tank, which summarizes general information on inspections and releases sources and causes. This report is provided on the web page and is updated annually.

Item # 7 TANK FEE AND CERTIFICATION PROGRAM UPDATE

Ms. Dana Bahar gave an update on the Tank Fee Program.

- Ms. Jennifer Pruett, the Manager of the Tank Fee and Certification Program has left the position within the Bureau to take another position within the Environment Department.
- The program is getting ready to send out FY14 tank fee invoices in late May. They are continuing efforts to recover past due fees.
- Of the 35 tank installers that were due for renewal by March 16, 2013, 29 received their certification; one did not meet the requirement for renewal. Three have retired and two did not submit applications. The lists on the webpage have been updated accordingly.
- The deadline to meet secondary containment requirements for ASTs is coming up, and is July 1, 2013.

The Chair asked if the program thinks the majority of AST's will be in compliance by that date. Ms. Bahar responded that the Bureau is aware that tank owners are working towards meeting the requirements. Mr. Martin stated that he would have to research this to come up with an answer for this question.

Mr. Ruben Baca a member of the public asked Ms. Bahar about a memo that was put out by the Program to the UST community that people can come in and apply for a variance for another route for this compliance. Mr. Baca wanted to know how this was process was going. Ms. Bahar responded that the Program has only received one application for approval of an alternate method to date and it is under review.

Item # 8 OTHER BUISNESS

PSTB Santa Fe staff will be moving to new offices located at **2905 Rodeo Park Drive East, Building 1, Santa Fe, NM 87505**. Every effort will be made to notify all affected.

A power point presentation was made by Stephen Reuter on the remediation process. (Slides of the presentation are available on the web.)

Item # 9 NEXT MEETING

The next meeting is set to be held on June 12, 2013

Item #10 ADJOURNMENTS

Mr. Scarbrough moved to adjourn the Meeting. Mr. Neil seconded. The motion passed unanimously.

The meeting adjourned at approximately 11:11 a.m.