

Summary of Delivery Prohibition Regulations

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Note: Revised rules were filed with State Records & Archives 2/16/12 and are effective 3/17/12.

The purpose of this Summary is to outline the major provisions of Delivery Prohibition. To review the Delivery Prohibition rules in their entirety, please go to the PSTB web page (www.nmenv.state.nm.us/ust) on the link to "Delivery Prohibition."

Part 19: Delivery Prohibition

1. Prohibits the delivery, deposit or acceptance of product (regulated substance) at or to a storage tank or facility holding petroleum identified by PSTB as ineligible (20.5.19.2, 20.5.19.6, 20.5.19.8).
2. Establishes mandatory and discretionary classifications for ineligibility following federal and state law, for violations involving installation and operation/maintenance of equipment for spill prevention, overfill protection, leak detection and corrosion protection (20.5.19.9).
3. Gives owners/operators opportunity to correct violations by providing notice before a storage tank or facility is declared ineligible for delivery (20.5.19.10).
4. Provides mechanisms to identify tanks and facilities that are ineligible for delivery: red tags, certificates, posting on PSTB webpage (20.5.19.11, 20.5.19.12).
5. Requires removal of regulated substances if violations are not corrected within 30 days of a tank or facility being red-tagged (20.5.19.12).
6. Provides a process for owners/operators to notify PSTB in writing when violations are corrected (20.5.19.14.A).
7. Requires PSTB to promptly re-classify a facility as eligible for delivery, when violations are corrected (after a facility or tank has been red-tagged) (20.5.19.14).
8. Allows deferral of delivery prohibition for up to 180 days in rural and remote areas and for matters of national security (20.5.19.15).
9. Authorizes PSTB to allow delivery to red-tagged tank or facility in certain emergency situations or for limited types of tank testing or calibration (20.5.19.16).
10. Prohibits tampering with storage tank equipment, including red tags (20.5.19.17).
11. Requires product deliverers (defined in 20.5.1.7.P(14)) to comply with all PST Regulations in 20.5 (20.5.19.17).
12. Provides an expedited administrative appeal process for owners/operators of tanks or facilities that have been red-tagged (20.5.19.18).