

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

June 12, 2013 Minutes

The meeting of the Storage Tank Committee was called to order by Mr. Tom Skibitski, Chair, at 10:00 a.m.

Members Present:

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

Brent Neil, STC Member Absent

Others:

Dana Bahar, NMED/PSTB
Lorena Goerger, NMED/PSTB
Kalvin Martin, NMED/PSTB
Stephen Reuter, NMED/PSTB
Delia Flores, NMED/PSTB
Celestine Ngam, NMED/PSTB
Jenice Gallegos, AMEC
Jeff Cotter, AMEC
Albert Dye, LANL
Bill Stroman, FDR & CP
Alan Eschenbacher, SMA
Eileen Shannon, Kleinfelder
John North, Kleinfelder

Item #1 ROLL CALL

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

Item #2 APPROVAL OF THE AGENDA

The Chair called for a motion to approve the Agenda. Mr. Scarbrough moved to approve the agenda, and Mr. Hodges seconded the motion. The agenda was passed unanimously.

Item #3 APPROVAL OF THE MINUTES

The Chair called for a motion to approve the March 2013 minutes. Mr. Hodges moved to approve the minutes and Mr. Scarbrough seconded the motion. The minutes were passed unanimously.

Item # 4 REMEDIAL ACTION SITES UPDATE

Ms. Lorena Goerger, the Acting Remedial Action Program Manager, reported on the *March and April* spreadsheets. Below are the workplan approvals reported by month:

March 2013

<u>Responsible Party</u>		<u>State Lead</u>	
33	\$1,034,293.29	10	\$91,499.35
<u>Addendums</u>		<u>Addendums</u>	
0	\$.0	0	\$.0
Total	\$ 1,034,293.29	Total	\$91,499.35
GRAND TOTAL		\$ 1,125,792.64	

Ms. Goerger highlighted the approval of a dig and haul at Hooter Brown's Country Store in Springer, New Mexico.

April 2013

<u>Responsible Party</u>		<u>State Lead</u>	
20	\$1,231,050.19	3	\$42,215.00
<u>Addendums</u>		<u>Addendums</u>	
0	\$.0	0	\$.0
Total	\$1,231,050.19	Total	\$42,215.00
GRAND TOTAL		\$1,273,265.19	

Ms. Goerger highlighted the approval a dig and haul at Midway Grocery in Jarales, New Mexico, as well as an additional year of operation and maintenance for Former Highway 70 Truckstop in Portales, New Mexico.

Item #5 CORRECTIVE ACTION FUND UPDATE

Ms. Delia Flores, the Acting Reimbursement Section Manager, presented the Corrective Action Fund Updates for the months of *March and April*.

March 2013:

Beginning Cash	\$13,624,562	Reserve	\$ 1,000,000
Loading Fee	1,613,559	Work plan liabilities	10,288,458
Payment	(1,665,175)	Un-obligated	2,284,488
Operating Transfer	0		
Ending Cash	\$13,572,946		

April 2013:

Beginning Cash	\$13,572,946	Reserve	\$ 1,000,000
Loading Fee	1,374,078	Work plan liabilities	9,138,199
Payment	(2,223,951)	Un-obligated	1,896,558
Utilities	(266)		
Operating Transfer	(688,317)		
Ending Cash	\$12,034,757		

Ms. Dana Bahar advised the Committee that the unobligated balance at the end of the fiscal year will be approximately \$2.4 million which is less \$6 million. Therefore, the petroleum products loading fee will remain at \$150 per load.

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

Item # 6 PREVENTION AND INSPECTION UPDATE

Mr. Calvin Martin, Prevention Inspection Program Manager, updated the Committee on the Prevention and Inspection Program. Mr. Martin stated that the Program has nine inspectors throughout the State. A Compliance Assistance Coordinator is located in Santa Fe and his primary role is to coordinate the Delivery Prohibition Program with the inspectors.

Certified Installers: As of March 16, 2013 the Program has a new listing of certified installers. (A handout was provided to the Committee with this information and the list is located on the PSTB website) As of this date there are currently 45 installers for USTs and 17 installers for ASTs. The majority of the installers are from New Mexico, and some are from neighboring states including Arizona, Utah, Colorado and Texas. Mr. Martin stated this information can be looked up by Company or by Installer on the website.

Trained A and B Operators: Approximately 1,656 trained A and B operators have been trained since the program was initiated in January 2010. There are classroom trainings scheduled for July in Albuquerque and October in Las Cruces which are offered through William's Consulting, an approved trainer. On-line training is also available.

Mr. Martin described difference between the of types and responsibilities of various operators. Namely "A" operators are trained in regulations and the equipment; "B" operators perform monthly inspections, and "C" operators learn how to shut down the system in case of an emergency, and who to contact if a release occurs.

Mr. Scarbrough wanted to know if most of the stores are meeting this requirement.

Mr. Martin stated the Program does not keep track of C trained operators in compliance inspection reports. But many of the inspectors will note if there are trained operators on site. He stated they have seen a fairly high number of facilities complying with the requirement.

Mr. Scarbrough wanted to know if other facilities were taking a proactive approach by having certified trainers in their company.

Mr. Martin stated that he didn't know of any other facilities or tank owners that had their own trainers. There are a lot of web based trainers listed on the webpage.

Tank Fees: Mr. Martin reported that tank fee invoices for fiscal year 2014 that starts on July 1, 2013 were sent out on May 24, 2013 to about 900 tank owners. As of June 7, 2013 the Program has received 150 invoices back with payment.

Delivery Prohibition: Mr. Martin stated that 4 facilities were currently red tagged at 3 AST facilities and 1 UST facility.

Mr. Scarbrough asked how does the Program identify UST's on ranches and farms, and if they know the age of the tanks and when they were installed. He also questioned how are they identified if it they are

not even registered? He stated that he does not want the State to just go after the registered owners when they are obvious, and ignore the others that are not obvious.

Ms. Bahar stated that with regards to farmers and ranchers they are exempted under most circumstances. The Program can only regulate the tanks they have authority to regulate, and only those tanks are registered.

AST Upgrade Deadline: Mr. Martin summarized for the Committee, the AST upgrade requirements and deadlines. The upgrade requirements for existing ASTs that were in place when AST regulations came into effect in 2003 were intended to be complied by 2011. The Program allowed for a number of years for existing ASTs to meet these upgrade requirements. The main requirements were secondary containment, double wall piping, transition under inspection pumps, and emergency venting. Mr. Martin also briefed the Committee on the process of a compliance inspection of a facility.

Ms. Bahar stated that the Program sent notice to all AST owners and operators to remind them of the deadline. The notice also requested that tank owners and operators contact the Bureau as soon as possible if they know they will not be able to meet the requirement on time. Ms. Bahar stated that if an owner or operator cannot meet the deadline then the owners have to provide the Program documentation showing that the upgrades are scheduled. Ms. Bahar also stated that facilities will remain out of compliance until all upgrades are completed.

Mr. Albert Dye, member of the public who works at the Los Alamos National Laboratory, stated that they are having a difficult time trying to have a certified installer on site to install a new tank. He stated they have been going through the process for about a year and a half now. He stressed how hard it is to find anyone to do work in Los Alamos. He was hoping to find an installer in neighboring states. He also suggested the Bureau have some people listed on their webpage in a category of certified repair persons.

Ms. Bahar stated that she will review the regulations and to determine if there is any flexibility.

Mr. Bill Stroman, another member of the public, spoke about red tagging and his confusion with the process, and asked if the Bureau could make it easier to understand. He asked if there were uniform inspections for everyone and how many do conform, and if there are facilities that just ignore the red tag. What he sees is that not everyone is complying, and, therefore, wants to know what can be done.

Ms. Bahar replied the process for Delivery Prohibition is uniform for all inspectors. When inspectors do an inspection they fill out their paperwork at the facility. Inspectors will identify any violations that are eligible for Delivery Prohibition. The Program has two levels, level A and level B. Tank owners and operators have a 90-day period to correct level B violation before it can be red tagged. Level B violations are issued for operational violations as opposed to an equipment violation. Level A violation is a more significant violation where critical release detection and prevention equipment is missing. Owners and operations are have a 30-day period from the Notice of Intent to Red Tag to correct level A violations before it can be red tagged. Ms. Bahar acknowledged that there is a back log in the amount of facilities that have been submitted by the inspectors currently where issuance of a notice of violation, notice of deficiency or notice of intent to red tag are pending, that is, there are about 69 sites in review. The Bureau is working through them and prioritizing them. The good news is about a third of identified violations were corrected before a notice was issued. The Bureau also has added two more positions to the Program to assist with the back log.

Item # 7 TANK FEE AND CERTIFICATION PROGRAM UPDATE

Ms. Bahar stated Mr. Martin already covered the key issues related to the Program, that is FY14 tank fee invoices were mailed and payments are being received. The Program is also working on collecting outstanding and pass due accounts.

Ms. Bahar also announced that the Bureau Santa Fe office has moved to the offices located at 2905 Rodeo Park East in Building 1.

Item # 8 OTHER BUISNESS

None.

Item # 9 NEXT MEETING

The next meeting is set to be held on October 9, 2013.

Item #10 ADJOURNMENT

Mr. Scarbrough moved to adjourn the meeting. Mr. McLin seconded the motion. The motion passed unanimously.

The meeting adjourned at approximately 10:55 a.m.