STATE OF NEW MEXICO ENVIRONMENT DEPARTMENT STORAGE TANK COMMITTEE MEETING

Tony Anaya Building Rio Grande Room Santa Fe. NM 87505

October 9, 2013 Minutes

The meeting of the Storage Tank Committee was called to order by Ms. Dana Bahar, Chair, at 10:03 a.m.

Members Present: Others:

Dana Bahar, Chair

Ryan Briggs, STC Member

Benjamin Hodges, STC Member

Brent Neil, STC Member

Stephen McLin, STC Member

Delia Flores, NMED/PSTB

Craig Smith, Glorieta Geoscience

Jenice Gallegos, AMEC

Jeff Scarbrough, STC Member Absent

Scott McKitrick, SMA

Liz Brown, Brown Environmental

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. McLin moved to approve the agenda, and Mr. Neil seconded the motion. The agenda was passed unanimously.

Item #3 APPROVAL OF THE MINUTES

The Chair called for a motion to approve the June 2013 minutes. Mr. Neil moved to approve the minutes and Mr. McLin seconded the motion. <u>The minutes were passed unanimously.</u>

Item #4 REMEDIAL ACTION SITES UPDATE

Ms. Lorena Goerger, Remedial Action Program Manager, reported on the *May*, *June*, *July & August* spreadsheets. Below are the workplan approvals reported by month:

May 2013

Responsible Party		State Lead	
41	\$942,166.19	7	\$140,646.25
Addendums		Addendums	
0	\$.0	0	\$.0
Total	\$942,166.19	Total	\$140,646.25
GRAND TOTAL	\$1,082,812.44		

Ms. Goerger highlighted the approval at Loves Country Store # 257 site in Milan and continued work at Santa Fe County Judicial Complex site in Santa Fe.

June 2013

Responsible Party		State Lead	
3	\$588,164.77	0	\$0
Addendums		<u>Addendums</u>	
0	\$.0	0	\$.0
Total	\$588,164.77	Total	\$0
GRAND TOTAL	<u>\$588,164.77</u>		

July 2013

Responsible Party		State Lead	
23	\$304,495.73	1	\$6,329.64
Addendums		Addendums	
0	\$.0	0	\$.0
Total	\$304,495.73	Total	\$6,329.64
GRAND TOTAL	<u>\$310,825.37</u>		

August 2013

Responsible Party		State Lead	
46	\$824,869.70	5	\$728,963.95
Addendums		Addendums	
0	\$.0	0	\$.0
Total	\$824,869.70	Total	\$728,963.95
GRAND TOTAL	<u>\$1,553,833.65</u>		

Ms. Goerger highlighted the approval of operation and maintenance of the remedial system at the Allsups #320 site in Clovis.

Ms. Goerger announced that the Program filled two vacant positions in June. Mr. Terry Hertel and Allison Urbon work in the Albuquerque office.

Mr. Hodges requested to that the spread sheets be sent to committee members prior to the meetings so that they have the opportunity to review them in advance of the meetings.

Item #5 CORRECTIVE ACTION FUND UPDATE

Ms. Delia Flores, the Acting Reimbursement Section Manager, presented the Corrective Action Fund Updates for the months of *May, June, July & August*.

May 2013:

Beginning Cash	\$12,034,757	Reserve	\$ 1,000,000	
Loading Fee	1,528,759	Work plan liabilities	\$ 8,466,406	
Payment	(1,680,335.76)	Un-obligated	\$ 1,728,458	
Operating Transfer	(688,316.67)			
Ending Cash	\$11,194,863			

June 2013:

Beginning Cash	\$11,194,863	Reserve	\$ 1,000,000
Loading Fee	1,540,823	Work plan liabilities	7,714,204
Payment	(1,126,004)	Un-obligated	2,978,797
Due From Fund 064	771,636		
Operating Transfer	(688,317)		
Ending Cash	\$11,693,001		

July 2013:

Beginning Cash	\$11,693,001	Reserve	\$ 1,000,000
Loading Fee	1,140,146	Work plan liabilities	7,824,963
Payment	(152,263)	Un-obligated	3,154,005
Operating Transfer	(701,917)		
Ending Cash	\$11,978,969		

Ms. Flores noted that the Operating Transfer will remain at this new amount for the remainder of the fiscal year.

August 2013:

Beginning Cash	\$11,978,969	Reserve	\$ 1,000,000
Loading Fee	1,887,547	Work plan liabilities	8,312,912
Payment	(1,056,364)	Un-obligated	2,795,322
Operating Transfer	(701,917)		
Ending Cash	\$12,108,234		

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

Mr. Hodges asked about the settlement with Chevron that was announced in the news.

Ms. Bahar stated that the repayments were for claims made against older sites. She stated all that money has been returned to the fund and will be used for corrective action.

Item # 6 PREVENTION AND INSPECTION UPDATE

Mr. Kalvin Martin, Prevention Inspection Program Manager, provided the following updates to the Committee. Mr. Martin stated that the Program has eleven inspectors throughout the State and the recently hired inspectors, Mr. Robert Gammon and Mr. Steven Paul are located in Roswell and Albuquerque offices, respectively. The Compliance Assistance Coordinator position located in Santa Fe is vacant and efforts are underway to fill the position as soon as possible.

Compliance Statistics:

The program completed a total of 350 inspections at 220 UST facilities and 130 AST facilities between April 1, 2013 and September 30, 2013. In fiscal year (FY) 13 a total of 520 UST compliance inspections were performed. Of those 339 or 65% were in compliance for release prevention and release detection requirements, a decrease from a 69% compliance rate in FY12.

<u>Delivery Prohibition</u>: Mr. Martin stated that this program was initiated in March of 2012. Tanks at four facilities (three (3) AST facilities and one (1) UST facility) are currently red tagged.

•	Total Facilities with A/B Violations Identified to Date	308
•	Total AST/UST Facilities	77/230
•	Total Facilities in Compliance to Date	188
•	Current Total of Facilities In DP Process	122
•	Total Facilities Currently In Violation	75
•	Facilities Currently In Review	41
•	Avg. Days between Inspection and COC (for all violations)	76

Mr. Neil wanted to know if the deferrals pertained to AST facilities and how the AST upgrade requirements that became effective on July 1, 2013 were being addressed.

Mr. Martin stated that there were a number of requirements that AST tank owners needed to meet by July 1, 2013. Most of these requirements are separate from delivery prohibition. So the delivery prohibition process continues if there is a violation related to release detection and release prevention measures. If there are any upgrade requirements the Program will take into consideration the efforts being made by the owner and operator and their proposed schedule to achieve compliance. Until upgrade requirements are met, facilities will deemed to be out-of-substantial compliance, and, therefore, not eligible for reimbursement from the Corrective Action Fund for remedial action.

Ms. Bahar clarified that issuance of a notice of violation may temporarily be deferred if an owner or operator provides the inspector documentation that the violation is in the process of being fixed and a date by which the violation is scheduled to be corrected. The facility remains in the DP process and is tracked until the inspector verifies that the violation has been corrected.

Mr. McLin asked if the Bureau tracks how much fuel is delivered to each facility and if this information is used to prioritize inspections. Mr. Martin said that is not the practice of the Bureau.

Ms. Bahar recommended to the Committee that the Bureau give a presentation of GoNM, a tool that the Bureau has been developing to evaluate vulnerability of facilities that may be used for prioritizing inspection based on a risk score that is calculated for each facility.

<u>AST Upgrade</u>: The Program has received notice from tank owners and operators, for approximately 60-70 facilities, that they would not be able to meet the July 1, 2013 deadline to upgrade their systems. The Program is in the process of working with the owners and operators to achieve compliance.

Item #7 TANK FEE AND CERTIFICATION PROGRAM UPDATE

<u>Tank Fees</u>: Mr. Martin introduced Ms. Antonette Cordova, the new Tank Fees and Certification Program Manager. Mr. Martin reported that invoices for FY14 tank fees were sent out to about 900 tank owners. The Program collected approximately \$425,793.75 for tank fees between May 27, 2013 and October 8, 2013, the majority of which is for FY14 fees. Delinquent accounts invoices were mailed to 68 owners in September.

<u>Certified Installers:</u> The new listing as of March 2013 shows 43 certified installers. This information can also be found on the website. Certification for four (4) of those installers expires in March 2014. The Program will contact them in December to remind them to recertify.

Operator Training: There are 1656 trained Class A and B operators. Williams Consulting - Petro. Classroom has two upcoming classroom training, one on October 29, 2013 in Las Cruces and one on November in Albuquerque.

Mr. Hodges asked who to send operator training information to now that Jennifer Pruett was gone. Mr. Martin advised him to send it to Ms. Antonette Cordova.

Item #8 OTHER BUISNESS

None.

Item #9 NEXT MEETING

The next meeting was tentatively scheduled for January 9, 2013.

Item #10 ADJOURNMENT

Mr. McLin moved to adjourn the meeting. Mr. Neil seconded the motion. <u>The motion passed</u> unanimously.

The meeting adjourned at approximately 10:42 a.m.