

NMED

New
Mexico
Environment
Department



NM PETROLEUM STORAGE TANK BUREAU & PETROLEUM STORAGE TANK REGULATIONS (20.5 NMAC)

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PSTB History

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- Became a State Approve Program for underground storage tank (UST) systems in 1990. State Program Approval by US EPA gives PSTB Primacy to regulate UST systems in New Mexico.
- New Mexico's Hazardous Waste Act and Groundwater Quality Act were amended to 2001 to include statutory authority to regulate above ground storage tanks (ASTs).



UST being Installed

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AST In Use.

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PSTB Organization

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1 – Prevention & Inspection Program: 14 Inspectors across the state who perform periodic compliance inspections of regulated ASTs & USTs, also conduct inspections at the installation, modification, repair, and closure of regulated ASTs & USTs.

2 – Remedial Action Program: When a release is discovered at a facility with regulated ASTs or USTs this program has staff that are assigned these facilities and they ensure the sites are remediated in accordance with the regulations.

3 – Tank Operations and Support Program: Administers the invoicing of tank owners for the annual tank fees, owners and operators are required to pay \$100 per tank per state fiscal year. Also, administers the Certified Installer Program and the Class A/B Operator Training Program.

4 – Reimbursement Section: Administers reimbursements to owners and operators from the Corrective Action Fund (CAF) for certain remediation costs.



Important Terms in 20.5 NMAC.

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- Regulated substances: defined as a long chain hydrocarbon such as but not limited to petroleum that is used to fuel a motor vehicle, petroleum and fraction thereof that are liquid at standard room temperature, or a hazardous substance listed in CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act).
- Release: means any spilling, leaking, emitting, discharging, escaping, leaching or disposing of a regulated substance from a storage tank system into groundwater, surface water or soil.



Important Terms in 20.5 NMAC.

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- Owner: means, in the case of a storage tank in use on November 8, 1984 or brought into use after that date, any person who owns a storage tank used for storage, use, or dispensing of regulated substances; and in the case of a storage tank in use before November 8, 1984 but no longer in use after that date, any person who owned such tank immediately before the discontinuation of its use. For purposes of the registration requirements of 20.5.102 NMAC only, the term “owner” excludes any person who:
 - (a) had a UST taken out of operation on or before January 1, 1974;
 - (b) had a UST taken out of operation after January 1, 1974 and removed from the ground prior to November 8, 1984; or
 - (c) had an AST taken out of operation on or before July 1, 2001.



What is regulated?

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- ASTs – 1320 gallons and greater, and less than 55,000 gallons that contain petroleum or a fraction thereof. Also, a combination of small tanks that are manifolded together so the combined capacity is greater than 1320 gallons.
- USTs – 110 gallons and greater that contain a regulated substance.
- ASTs & USTs – containing lube oil and waste oil.



What is not regulated?

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- ❑ ASTs – tank systems used in agriculture, mining, oilfields, and oilfield service industry.
- ❑ ASTs – tanks that are regulated under the Federal Pipeline Safety Act.
- ❑ ASTs & USTs – used for on-site heating.
- ❑ USTs – tanks less than 1,100 gallons used for agriculture.



What is required?

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- ASTs & USTs are required to have the following:
 - Spill prevention equipment



What is required?

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- ASTs & USTs are required to have overflow prevention equipment.



What is required?

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- ASTs & USTs – systems that receive transfers of less than 25 gallons are exempt from spill and overflow prevention requirements. For example, a waste oil tank at a Lube Oil Change Facility where they drop 2 gallons at a time.
- ASTs & USTs – Corrosion protection is required when any metal components of a tank system is in contact with an electrolyte such as but not limited to soil or water.



What is required?

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- ASTs & USTs are required to have secondary containment as follows:
 - ▣ ASTs installed prior to 2001 were required to upgrade to secondary containment by July 1, 2011.
 - ▣ ASTs installed after 2001 were required to have secondary containment upon installation.



ASTs with Secondary Containment

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Double Walled AST Satisfies Containment Requirement

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UST Secondary Containment

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- USTs installed on, or after, April 4, 2008 are required to be secondarily contained which typically means double walled tanks and piping with containment sumps at both ends.
- Underground pressurized piping on USTs that is replaced after April 4, 2008 must be double walled if the length being replaced is either 20 feet or 50 percent of the piping run whichever is less.



What is required?

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- ASTs & USTs
 - Every regulated system must have a Class A/B Operator that is trained every 5 years in accordance with 20.5.104 NMAC.
 - Containment sumps used for interstitially monitoring underground piping must be inspected or tested every 3 years starting July 1, 2021.
 - Equipment used in monthly monitoring of tanks and/or piping must be inspected or tested annually. For example, automatic line leak detectors on piping.



What is required?

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- ASTs & USTs
 - Periodic walk-through inspection is required every 30 days.
 - When installing, modifying, repairing, or closing a regulated AST or UST, owners and operators, must provide a 30 day written notification to PSTB and a 24 hour verbal notification.
 - Owners must maintain financial responsibility in accordance with 20.5.117 NMAC.



What is required?

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□ ASTs & USTs

- Spill prevention and overfill prevention equipment must be inspected or tested no later than July 24, 2021 and every three years thereafter.
- AST spill prevention that is totally above ground may be inspected monthly in lieu of periodic testing.
- A Certified Installer, who is certified by PSTB, is required for the installation modification, and repair of both AST and UST systems but no for closures.



What is Required?

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- ASTs & USTs
 - Owners and operators who switch to gasoline with greater than 10% ethanol or diesel greater than 20% biodiesel must demonstrate to Department that entire system is compatible with new fuel.



Important Web Sites

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New Mexico Environment Department

- ❑ www.env.nm.gov/petroleum_storage_tank
- ❑ New regulations at www.env.nm.gov/petroleum_storage_tank/proposed-regulations-revisions

US EPA's Office of Underground Storage Tanks

- ❑ www.epa.ust
- ❑ New federal regulations at www.epa.gov/ust/revising-underground-storage-tank-regulations-revisions-existing-requirements-and-new



Important Web Sites

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US EPA's Office of Underground Storage Tanks

- State UST Program Information at

www.epa.gov/ust/state-underground-storage-tank-ust-programs

