



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

Certified Mail- Return Receipt Requested (Certified #: XXXX XXXX XXXX XXXX XXXX)

Notice of Intent to Red Tag: Class B Violation(s)

20.5.116 NMAC Delivery Prohibition

Date: June 10, 2022

To: Anne Lund
Lund Anne B (Owner ID# 75656/Operator ID# P12561)
PO Box 192, San Antonio, NM 87832
annelund60@gmail.com

Re: San Antonio General Store (Facility ID# 29211, NOV# 13 20210909 2457)
75 US Hwy 380, San Antonio, NM 87832

Date of NOD: October 13, 2021

Following an inspection on September 9, 2021 by the New Mexico Environment Department's ("Department") Petroleum Storage Tank Bureau ("PSTB"), the facility noted above has been cited with Class B violation(s) pursuant to section 20.5.116.1601.B(1) and (2) of the Petroleum Storage Tank Regulations, Title 20 Chapter 5 of the New Mexico Administrative Code ("NMAC"). The Department provided you with a Notice of Violation ("NOV") with the inspection report informing you of the violation(s) that were identified during the inspection and allowing 30 days from the date of the NOV to correct them. Because the violation(s) that were outlined in the NOV and inspection report were not corrected within the required timeframe, the Department issued a Notice of Deficiency ("NOD") on the date noted above (see "Date of NOD") re-stating the violation(s) that were identified during the inspection and providing you with an additional 30 days from the date of the NOD to correct the violation(s).

If these violation(s) listed in the table below are not corrected, a release to the environment could occur or a release could go undetected. In order to correct the violation(s) and come into compliance, please ensure that any corrective actions taken remain in compliance with 20.5 NMAC regulations. **If the violation(s) in the table are not corrected within 30 days from the date of this Notice of Intent to Red Tag, the subject tank(s) noted in the table will be classified as ineligible for delivery, deposit or acceptance of product, in accordance with 20.5.116.1602.B(3) NMAC.**

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Violations included in this action:

Violation Code	Tank ID(s)	Violation Description
20.5.107.704.C NMAC	27184	Failure to ensure that spill prevention equipment on a UST system is liquid tight, maintained and fully operational at all times.
20.5.107.704.C(1) NMAC	27184 & 27185	Failure to test single walled spill containment equipment on a UST system every three years either by a vacuum, pressure, or liquid test method.
20.5.107.704.E[2] NMAC	27184 & 27185	Failure to inspect or test overfill prevention equipment no later than 7/24/2021 and every three years thereafter.
20.5.107.705.B(1)(a) NMAC	27184 & 27185	Failure to test a cathodic protection system on a UST system within six months of installation and at least every three years thereafter.

This means that, in accordance with 20.5.116.1603 NMAC, the following actions will occur:

- (a) PSTB will physically place red tag(s) prohibiting the delivery, deposit or acceptance of product on the fill port(s) of the tank(s) with the continuing Class B violation(s). The red tag(s) must remain affixed on the tank(s) until the violation(s) are corrected.
- (b) PSTB will post the name and address of this facility on its website list of facilities that are ineligible for delivery, deposit or acceptance of product.
- (c) PSTB will post a certificate, conspicuously displayed at the facility clearly prohibiting any delivery, deposit or acceptance of product at every storage tank at the facility to which the Department has affixed a red tag.

It shall be unlawful for any person, other than an authorized representative of the Department, to remove, tamper with, destroy or damage a red tag affixed to any storage tank or certificate posted at a storage tank facility by Department personnel (see 20.5.116.1603.C NMAC). Owners and operators shall continue to perform leak detection, corrosion protection, and monthly inspections, in addition to any other performance requirements in 20.5 NMAC, on the tanks that have a red tag (see 20.5.116.1603.D NMAC).

This facility is not located in a rural and remote area as defined in 20.5.101.7.R(14) NMAC and continued operation of the tank is not a matter of national security. If you believe that your facility is located in a rural and remote area as it is defined in the regulations and this Notice of Intent to Red Tag does not designate it as rural and remote, please contact the Department. If this facility is operated by the United States Department of Defense ("DOD"), DOD may notify the Department that continued operation of the tank(s) is a matter of national security. The PSTB will defer classifying this facility as ineligible for delivery for up to 180 days if it is designated as rural and remote or a matter of national security (see 20.5.116.1608 NMAC).

Please notify PSTB Inspector Keith Chavez at (505) 980-8900 if you do not understand the violation(s) cited, or to notify PSTB of the schedule of when work is planned to be done in order to correct the violation(s). You are required to notify the PSTB of any installation, replacement, repair or modification (see 20.5.116.1602.D NMAC). **The PSTB will work with you to ensure the violation(s) are in compliance with 20.5 NMAC and are corrected as soon as possible.**

Tank owners and operators are required to comply with all applicable regulations and with the Governor's current Executive Orders and Public Health Orders. If tank owners and operators are unable to comply with the regulations or need to delay activities as a result of the COVID-19 pandemic including related travel and social distancing restrictions imposed by both governments and corporations, entities should use existing procedures to request extensions or notify the Bureau in writing as soon as possible. The Bureau will evaluate each ongoing violation in consideration of continued work to protect human health and the environment. For the most up to date COVID-19 information including COVID Safe Practices please visit the New Mexico Department of Health website, <https://cv.nmhealth.org/>.

Unless the violation(s) cited in this Notice of Intent to Red Tag are corrected, the facility may not be in compliance with the requirements and provisions of the Petroleum Storage Tank Regulations as required for eligibility for reimbursement from the Corrective Action Fund if your facility has a release (see 20.5.123.2303 NMAC). **If you have corrected the violation(s) cited in this Notice of Intent to Red Tag, please contact the PSTB inspector immediately.**

Thank you in advance for your attention to this matter.

June 10, 2022

Lorena Goerger, Acting Bureau Chief
Petroleum Storage Tank Bureau

Date

cc: San Antonio General Store, 75 US Hwy 380, San Antonio, NM 87832
Mia Napolitano, Office of General Counsel, New Mexico Environment Department (via electronic transmission)
Joe Godwin, Manager, Prevention Inspection Program, Petroleum Storage Tank Bureau (via electronic transmission)
Chris Hamilton, Compliance Assistance Coordinator, Petroleum Storage Tank Bureau (via electronic transmission)
Keith Chavez, Compliance Assistance Coordinator, Petroleum Storage Tank Bureau (via electronic transmission)
PSTB Master File
PSTB Owner File