

**TITLE 20 ENVIRONMENTAL PROTECTION**  
**CHAPTER 5 PETROLEUM STORAGE TANKS**  
**PART 112 ABOVE GROUND STORAGE TANK EMERGENCY GENERATOR SYSTEMS**

**20.5.112.1 ISSUING AGENCY:** New Mexico Environmental Improvement Board.  
[20.5.112.1 NMAC - N, 07/24/2018]

**20.5.112.2 SCOPE:** This part applies to owners and operators of above ground storage tank emergency generator systems as provided in 20.5.101 NMAC. If the owner and operator of an above ground storage tank emergency generator system are separate persons, only one person is required to comply with the requirements of this part, including any notice and reporting requirements; however, both parties are liable in the event of noncompliance.  
[20.5.112.2 NMAC - N, 07/24/2018]

**20.5.112.3 STATUTORY AUTHORITY:** This part is promulgated pursuant to the provisions of the Hazardous Waste Act, Sections 74-4-1 through 74-4-14 NMSA 1978; and the general provisions of the Environmental Improvement Act, Sections 74-1-1 through 74-1-17 NMSA 1978.  
[20.5.112.3 NMAC - N, 07/24/2018]

**20.5.112.4 DURATION:** Permanent.  
[20.5.112.4 NMAC - N, 07/24/2018]

**20.5.112.5 EFFECTIVE DATE:** July 24, 2018, unless a later date is indicated in the bracketed history note at the end of a section.  
[20.5.112.5 NMAC - N, 07/24/2018]

**20.5.112.6 OBJECTIVE:** The purpose of 20.5.112 NMAC is to ensure that above ground storage tank emergency generator systems are designed, constructed, installed, modified, repaired, operated, and maintained to minimize releases, to ensure that releases from storage tanks are detected early to minimize potential harmful resulting effects, and to regulate storage tank systems in order to protect the public health, safety and welfare and the environment of the state.  
[20.5.112.6 NMAC - N, 07/24/2018]

**20.5.112.7 DEFINITIONS:** The definitions in 20.5.101 NMAC apply to this part.  
[20.5.112.7 NMAC - N, 07/24/2018]

**20.5.112.8 to 20.5.112.1199 [RESERVED]**

**20.5.112.1200 GENERAL REQUIREMENTS:** Owners and operators of above ground storage tank emergency generator systems shall meet the requirements in this part in addition to all of the applicable requirements in the rest of 20.5 NMAC.  
[20.5.112.1200 NMAC - N, 07/24/2018]

**20.5.112.1201 DEADLINES FOR CLOSING OR UPGRADING ABOVE GROUND STORAGE TANK EMERGENCY GENERATOR SYSTEMS:** Not later than July 1, 2013 owners and operators of AST emergency generator systems must have:  
**A.** upgraded AST emergency generator systems to meet all performance standards for AST systems in 20.5.109 NMAC, with the exception that existing systems need not submit project drawings; or  
**B.** permanently closed any AST emergency generator system that does not meet the performance standards in 20.5.109 NMAC in accordance with 20.5.115.1502 NMAC.  
[20.5.112.1201 NMAC - N, 07/24/2018]

**20.5.112.1202 DESIGN, CONSTRUCTION, AND INSTALLATION OF NEW AND UPGRADED ABOVE GROUND STORAGE TANK EMERGENCY GENERATOR SYSTEMS:** Owners and operators of above ground storage tank emergency generator systems shall meet all of the requirements in this section in addition to all of the applicable requirements in 20.5.109 NMAC.

**A.** Owners and operators of ASTs used for emergency power generation where the loss of electrical power will not result in the loss of human life or serious injury may install motor fuel dispensers only if the

dispensers are connected to the AST by a separate pump and piping system other than that which supplies a regulated substance to the emergency generator.

**B.** Owners and operator who install a normally closed solenoid valve in accordance with Subsection D of 20.5.109.902 NMAC on the supply piping so that a leak will not drain the system by siphon shall meet one of the following:

- (1) solenoid valve shall operate from battery voltage and have manual (nonelectric) operation; or
- (2) install a manual bypass valve.

**C.** Owners and operators of above ground storage tank emergency generator systems shall use national codes and standards in 20.5.109 NMAC. Owners and operators shall also use or more of the following to comply with the requirements of this part:

- (1) *National Fire Protection Association Standard 110, "Standard for Emergency and Standby Power Systems"*; and
- (2) *Petroleum Equipment Institute Publication RP1400, "Recommended Practices for the Design and Installation of Fueling Systems for Emergency Generators, Stationary Diesel Engines, and Oil Burner Systems"*.

[20.5.112.1202 NMAC - N, 07/24/2018]

**20.5.112.1203 DESIGN, CONSTRUCTION, AND INSTALLATION OF NEW AND UPGRADED ABOVE GROUND SUB-BASE TANK EMERGENCY GENERATOR SYSTEMS:** Owners and operators of above ground storage tanks that are installed underneath emergency generators, and are also known as belly tanks or sub-base generator tanks, shall meet all of the requirements in this section in addition to all of the applicable requirements in 20.5.109 NMAC.

**A.** Owners and operators shall be required to meet the certified installer requirements in 20.5.105 NMAC for new sub-base ASTs.

**B.** Owners and operators shall not be required to meet installation requirements for above ground piping for any above ground piping that connects the sub-base AST to the emergency generator.

**C.** Owners and operators of sub-base AST systems shall comply with release detection requirements for tanks and piping in 20.5.111 NMAC no later than three years after the effective date of these regulations.

[20.5.112.1203 NMAC - N, 07/24/2018]

**20.5.112.1204 OPERATION AND MAINTENANCE REQUIREMENTS FOR ABOVE GROUND STORAGE TANK EMERGENCY GENERATOR SYSTEMS:** Owners and operators of above ground storage tank emergency generator systems shall meet all of the requirements for operation and maintenance in 20.5.110 NMAC in addition to all of the applicable requirements in the rest of 20.5 NMAC.

[20.5.112.1204 NMAC - N, 07/24/2018]

**20.5.112.1205 RELEASE DETECTION REQUIREMENTS FOR ABOVE GROUND STORAGE TANK EMERGENCY GENERATOR SYSTEMS INSTALLED PRIOR TO JULY 24, 2018:** Owners and operators of AST emergency generator systems installed prior to the effective date of these regulations shall meet all of the requirements in this section in addition to all of the applicable requirements in 20.5.111 NMAC.

**A.** Owners and operators of AST emergency generator systems shall implement a method, or combination of methods, no later than three years after the effective date of these regulations that monitors above ground storage tanks every 30 days for releases.

**B.** Owners and operators of AST emergency generator systems shall provide a method, or combination of methods, of release detection for underground piping no later than three years after the effective date of these regulations. The method, or combination of methods, shall follow the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the department. Owners and operators shall comply with the requirements for release detection for underground piping as follows:

(1) Owners and operators of AST emergency generator systems with piping that conveys a regulated substance under pressure shall use automatic line leak detectors for emergency generators that alert the operator to the presence of a leak by activating a visual and audible alarm when a leak is detected and that comply with the requirements of 20.5.111.1105 NMAC, except:

(a) Automatic line leak detectors for emergency generators shall not be required to restrict or shut off the flow of regulated substances.

(b) Sensors used for interstitial monitoring shall not be required to automatically shut off the submersible turbine pump when a leak is detected in the interstice of the piping or in containment sumps. Sensors used for interstitial monitoring shall activate an external audible and visual alarm when liquid is detected.

(2) Owners and operators of ASTs with piping that conveys a regulated substance by suction shall comply with the requirements in 20.5.111.1107 NMAC, except the sensors used for interstitial monitoring shall not be required to restrict or shut off the flow of regulated substances. Sensors used for interstitial monitoring shall activate an audible and visual external alarm when a liquid is detected.

C. Owners and operators shall use one or more of the following to comply with the requirements of this section:

(1) *Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems";*

(2) *Petroleum Equipment Institute RP200, "Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling";*

(3) *American Petroleum Institute Publication RP 1615, "Installation of Underground Hazardous Substances or Petroleum Storage Systems";*

(4) *American Petroleum Institute 570, "Pipe Inspection Code: In-Service Inspection, Repair, and Alteration of Piping Systems";*

(5) *American Society of Mechanical Engineering Standard B31.3, "Process Piping";*

(6) *National Fire Protection Association Standard NFPA 110, "Standard for Emergency and Standby Power Systems";* and

(7) *Petroleum Equipment Institute Publication RP1400, "Recommended Practices for the Design and Installation of Fueling Systems for Emergency Generators, Stationary Diesel Engines, and Oil Burner Systems".*

[20.5.112.1205 NMAC - N, 07/24/2018]

#### **20.5.112.1206 RELEASE DETECTION REQUIREMENTS FOR ABOVE GROUND STORAGE TANK EMERGENCY GENERATOR SYSTEMS INSTALLED OR MODIFIED ON, OR AFTER, JULY 24, 2018:**

Owners and operators of AST emergency generator systems installed on, or after, the effective date of these regulations shall meet all of the requirements in this section in addition to all of the applicable requirements in 20.5.111 NMAC upon installation.

A. Owners and operators of AST emergency generator systems installed or modified on or after the effective date of these regulations must implement a method, or combination of methods, that monitors above ground storage tanks every 30 days for releases using an applicable method in 20.5.111 NMAC.

B. Owners and operators of AST emergency generator systems where the piping is installed or replaced on, or after, the effective date of these regulations, and the piping conveys a regulated substance under pressure shall use interstitial monitoring and automatic line leak detectors that alert the operator to the presence of a leak by activating an external audible and visual alarm when liquid is detected. Owners and operators of AST emergency generator systems shall comply with the requirements of 20.5.111.1106 NMAC, except:

(1) automatic line leak detectors for AST emergency generator systems shall not be required to shut off the flow of regulated substances; and

(2) sensors used to meet the interstitial monitoring requirements for AST emergency generator systems shall not be required to automatically shut off the flow of product when liquid is detected in the interstice of the piping or in containment sumps. Sensors used for interstitial monitoring shall activate a secondary audible or visual alarm when liquid is detected.

C. Owners and operators of ASTs where the piping is installed or replaced on, or after, the effective date of these regulations and the piping conveys a regulated substance by suction shall comply with the requirements in 20.5.111.1108 NMAC, except the sensors used for interstitial monitoring shall activate an external audible and visual alarm when a leak is detected either in the interstice of the piping or in containment sumps. Sensors used to meet the interstitial monitoring requirements for AST emergency generator systems shall not be required to automatically shut off the flow of product when liquid is detected in the interstice of the piping or in containment sumps.

D. Owners and operators shall use one or more of the following to comply with the requirements of this section:

(1) *Petroleum Equipment Institute publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems";*

- (2) *Petroleum Equipment Institute RP200, "Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling";*
  - (3) *American Petroleum Institute publication RP 1615, "Installation of Underground Petroleum Storage Systems";*
  - (4) *American Petroleum Institute 570, "Pipe Inspection Code: In-Service Inspection, Repair, and Alteration of Piping Systems";*
  - (5) *American Society of Mechanical Engineering Standard B31.3, "Process Piping".*
  - (6) *National Fire Protection Association Standard NFPA 110, "Standard for Emergency and Standby Power Systems";* and
  - (7) *Petroleum Equipment Institute Publication RP1400, "Recommended Practices for the Design and Installation of Fueling Systems for Emergency Generators, Stationary Diesel Engines, and Oil Burner Systems".*
- [20.5.112.1206 NMAC - N, 07/24/2018]

**20.5.112.1207 CERTIFIED INSTALLERS:** Owners and operators of above ground storage tank emergency generator systems shall meet the requirements for certified installers in 20.5.105 NMAC in addition to all of the applicable requirements in the rest of 20.5 NMAC.  
[20.5.112.1207 NMAC - N, 07/24/2018]

**20.5.112.1208 ALTERNATE METHODS:**

**A.** If owners and operators want to install AST emergency generator systems to meet the requirements in this part or want to install release detection equipment for tanks or piping installed prior to the effective date of these regulations with materials and methods that are not in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory, owners and operators shall apply in writing to the department, shall provide supporting documentation, and shall not begin the installation unless and until the department approves the request in writing. At a minimum, the request for an alternate method shall contain the following:

- (1) date the form is completed;
- (2) facility name, facility ID number, address (with county) and telephone number;
- (3) owner name, owner ID number, address and telephone number;
- (4) citation to regulation for which alternate method or material (such as type of piping) is requested;
- (5) brief description of the proposed alternate method or material;
- (6) justification of proposed alternate method or material, including citation to a standard or code supporting its use, if available; and
- (7) demonstration of its equivalent protection of public health, safety and welfare and the environment.

**B.** Another type of release detection method, or combination of methods, may be used if approved pursuant to this section for tanks and piping installed prior to the effective date of these regulations, and if, for ASTs, it can detect a 0.2 gallon per hour leak rate monthly or a release of 150 gallons within a month from a tank with a probability of detection of 0.95 and a probability of false alarm of 0.05.

**C.** The department may approve another release detection method for tanks and piping installed prior to the effective date of these regulations if owners and operators can demonstrate that the method can detect a release as effectively as any of the applicable methods allowed in 20.5.111 NMAC. In comparing methods, the department shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator shall comply with any conditions imposed by the department on its use to ensure the protection of public health, safety and welfare and the environment. The department shall not grant the request unless owners and operators demonstrate that the request will provide protection of public health, safety and welfare and the environment equivalent to the protection provided by the methods in this part.

[20.5.112.1208 NMAC - N, 07/24/2018]

**20.5.112.1209 RECORDKEEPING:** Owners and operators of AST emergency generator systems shall meet the requirements for recordkeeping in this part in addition to all of the applicable requirements in 20.5.110 NMAC and 20.5.111 NMAC.

[20.5.112.1209 NMAC - N, 07/24/2018]

**20.5.112.1210 REPORTING:** Owners and operators of AST emergency generator systems shall meet the requirements for reporting in this part in addition to all of the applicable requirements in 20.5.110 NMAC and 20.5.111 NMAC.

[20.5.112.1210 NMAC - N, 07/24/2018]

**History of 20.5.112 NMAC:** [RESERVED]