

NMED

New
Mexico
Environment
Department



CHANGES TO CORRECTIVE ACTION FUND ADMINISTRATION IN 20.5.17 NMAC (NEW 20.5.123 NMAC)

6/20/2018

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Changes to Corrective Action Fund Administration

20.5.1 23 NMAC (currently Part 17)

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- Summary of proposed changes to Part 1 23
 - Competitive Contractor Selection (RP lead sites)
 - Option for Limited Remediation bidding
 - Clarification for RP-lead sites where the owner or operator is the state of New Mexico or subdivision thereof (i.e., other governmental entities)
 - Workplan approvals, change orders
 - Ineligible costs
 - Contractor Fee Schedule



Changes to Corrective Action Fund Administration

20.5.123 NMAC (currently Part 17)

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- Addition of definition for “responsible party”
- Remove Tier 1,2,3 evaluations from the “phase of corrective action” definition to align with Part 119
 - Soil-Only Contamination and Petroleum Vapor Intrusion assessments will replace the Tier evaluations to align with Part 119
- Soil-Only Contamination and Petroleum Vapor Intrusion assessments are exempt from competitive bidding



Changes to Corrective Action Fund Administration

20.5.123 NMAC (currently Part 17)

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- Addition of mailing address, email address, reporting requirements throughout the part
- Clarification that the GWPA fee pertains to ASTs as well as USTs (determination of compliance)
- Removal of federal tax ID on reimbursement claim forms



Procedures and Requirements for Competitive Contractor Selection

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- Responsible Party-Lead sites
 - An option for bidding procedures for sites requiring limited remediation
 - No additional infrastructure required
 - Development of plans and specs requiring an engineer signature and stamp are not required
 - Reimbursement costs capped at \$80,000
 - Work completed within 2 years



Workplan approvals, change orders

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- To align the regulations with the Bureau process for change orders on fixed-fee workplan approvals
 - ▣ Clarify that any reallocation of approved amounts from one deliverable to another require department pre-approval in writing



Corrective Action Eligible and Ineligible Costs

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□ Ineligible costs

- Markup on subcontractor costs or other costs
- Costs associated with releases from ASTs with capacities 55,000 gallons and greater that are part of airport hydrant fuel distribution systems, USTs with field constructed tanks, or hybrid storage tank systems.
- costs associated with releases from piping attached to an AST with a capacity of 55,000 gallons or greater.



Corrective Action Eligible and Ineligible Costs

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- Ineligible costs (cont)
 - Costs associated with releases from piping attached to a hybrid storage tank system.
 - Costs associated with releases from piping attached to unregulated storage tank systems.



Contractor Fee Schedule

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- Addition of descriptions of professional services categories that must be used for approved billing rates.
- Clarified per diem and mileage reimbursement rates are in accordance with the Per Diem and Mileage Act
 - Mileage reimbursement only within the State of New Mexico
- Addition of a requirement that the contractor provide justification or documentation upon request of the department for proposed costs
- Subcontractor costs to be billed at cost; the department may require three bids for subcontracted services



Contractor Fee Schedule

- Updated Professional Services Hourly Rates
 - ▣ Comparison
 - Generally 15% increase; draftsman 30% increase

Professional services	Hourly rate	Proposed
Principal scientist	\$150.00	\$175.00
Senior scientist	\$125.00	\$145.00
Project scientist/ engineer-manager	\$100.00	\$115.00
Staff scientist/engineer	\$80.00	\$95.00
Field technician	\$74.00	\$85.00
Draftsman	\$65.00	\$85.00 *
Administrator	\$68.00	\$80.00
Secretary	\$44.00	\$50.00
Clerk	\$37.00	\$45.00



Proposed Schedule

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- Petition for hearing on or around July 10
- Proposed hearing date August 30 or 31
- Anticipated publication of approved revisions by December 31, 2018



Regulation Revision Outreach

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NMED-PSTB Web Page: PSTB Updates (announcements, stakeholders meetings)

https://www.env.nm.gov/petroleum_storage_tank/proposed-regulation-revisions/

E-mail Notices: Subscribe to Email Alerts on home page of website

https://www.env.nm.gov/petroleum_storage_tank/

Please direct all comments and questions on regulation revisions to:

PST.Regulations@state.nm.us

