

Summary of Delivery Prohibition Regulations

Updated April 23, 2019

Note: Revised rules were effective July 24, 2018. The revisions do not substantially change the regulations, but provide clarification.

The purpose of this Summary is to outline the major provisions of Delivery Prohibition. To review the Delivery Prohibition rules in their entirety, please go to the PSTB Delivery Prohibition web page (https://www.env.nm.gov/petroleum_storage_tank/delivery-prohibition/) and click on the link for “Delivery Prohibition Rules.”

Part 116: Delivery Prohibition

1. Prohibits delivery, deposit, or acceptance of product (regulated substance) at or to a regulated storage tank or facility holding petroleum identified by PSTB as ineligible (20.5.116.2, 20.5.116.6, 20.5.116.1600).
2. Establishes mandatory and discretionary classifications for ineligibility following federal and state law, for violations involving installation and operation/maintenance of equipment for spill prevention, overfill protection, leak detection and corrosion protection (20.5.116.1601).
3. Gives owners/operators timeframes to correct violations by providing notices before a storage tank or facility is declared ineligible for delivery (20.5.116.1602).
4. Provides mechanisms to identify tanks and facilities that are ineligible for delivery: red tags, certificates, posting on PSTB webpage (20.5.116.1603).
5. Requires removal of regulated substances if violations are not corrected within 30 days of a tank or facility being red-tagged (20.5.116.1604).
6. Requires permanent closure in accordance with 20.5.115 NMAC of a storage tank system that has been red-tagged if the violations associated with the red tag have not been corrected within 12 months. (20.5.116.1605).
7. Provides processes for placement and notice of red tag on regulated tank systems for owners, operators, and product deliverers. (20.5.116.1606).
8. Provides mechanisms for owners to provide notice of corrective actions, and the department to make determinations that corrective actions have been taken on ineligible storage tanks. (20.5.116.1607).
9. Allows deferral of delivery prohibition for up to 180 days in rural and remote areas and for matters of national security (20.5.116.1608).
10. Authorizes PSTB to allow delivery to red-tagged tank or facility in certain emergency situations or for limited types of tank testing or calibration (20.5.116.1609).
11. Prohibits tampering with storage tank equipment including red tags by any person including, but not limited to, the regulated community and product deliverers (20.5.115.1610).
12. Provides an expedited administrative appeal process for owners/operators of tanks or facilities that have been red-tagged (20.5.116.1611).