

# NMED

New  
Mexico  
Environment  
Department



## CHANGES TO CORRECTIVE ACTION REQUIREMENTS IN 20.5.119-122 NMAC

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## Parts 119 and 120

Corrective Action for Storage Tank Systems  
containing Petroleum Products (20.5.119 NMAC)

&

Corrective Action for UST Systems containing  
other Regulated Substances (20.5.120 NMAC)

# General— both parts

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- All notices and reports shall be provided in paper and electronic copies
- Additional information requirements for minimum site assessment and secondary investigation reports (20.5.119.1909.C and 1911.C/20.5.120.2009.C and 2011.C NMAC)
- Owners and Operators are required to retain records for 10 years after a release has received a No Further Action status (20.5.119.1932 / 20.5.120.2029 NMAC)



# General- both parts (cont)

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- Owners and Operators are required to include specific standard information in all reports submitted to the department (20.5.119.1933/20.5.120.2030)
  - Release name
  - address
  - facility ID, release ID
  - workplan and deliverable number(s)
  - owner/operator name and address and
  - date completed in all reports



# General – both parts (cont)

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- Tier One, Two and Three evaluations and reporting are removed from the current regulations
  - ▣ Replaced with site-specific Soil-Only Assessment and Petroleum Vapor Intrusion assessment (20.5.119.1912 and 1913 NMAC)
  
- Property Reuse Determination Removed



# 20.5.119.1912 NMAC

## Soil-Only Contamination Assessment

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- Replaces the tier evaluation process with regards to soil only contaminated sites
  - The assessment is intended to determine whether soil contamination poses a threat to human health or the environment, including groundwater, or may pose a threat in the future such that corrective action is required.
- Owners/Operators will need to obtain written permission from the department before initiating the evaluation



# 20.5.119.1913 NMAC

## Petroleum Vapor Intrusion Assessment

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- New section to address the potential for petroleum vapor intrusion into buildings or overlying structures
- Owner/Operator shall obtain written approval from the department before initiating the evaluation



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Part 121

## Corrective Action Fund Use and Expenditures



# 20.5.121.2102 and 2104 NMAC

- Language has been added to when the department can designate a site as a state-lead site (20.5.121.2102 NMAC)
  - -when a release poses a threat to human health and the environment – to align with the Superfund Federal Guidelines
- Site Prioritization (20.5.121.2104 NMAC)
  - The fourth priority designation has been removed.



## Qualification of Persons Performing Corrective Action

# 20.5.122.2201 NMAC

- Language was deleted which referenced a tentatively qualified firm (20.5.122.2201 NMAC)
  - ▣ Firms are qualified at the time of the workplan approval and with the statement of qualifications that accompanies a request for proposals

