

NMED

New
Mexico
Environment
Department



OVERVIEW &

CHANGES TO REQUIREMENTS

20.5 NMAC

PARTS: 101, 102, 103, 104, 105 116, 117, 123, 124, 125.

Updated
9/13/2019

Petroleum Storage Tank Bureau
New Mexico Environment Department

Where to Get Information

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

The screenshot shows a web browser window with the URL https://www.env.nm.gov/petroleum_storage_tank/. The page features a navigation menu with categories: Air, Water, Waste, Health & Safety, Cleanups, Permits & Licenses, Services & Assistance, News, and ...More. The main heading is "Petroleum Storage Tank Bureau". On the left is a sidebar menu with items: PSTB Home, Leaks, Spills, and Incident Reports, Delivery Prohibition, Forms, Regulations, Current and Proposed, Public Outreach, Reports and Lists, Prevention and Inspection Program, Tank Registration, Certified Installers, Operator Training, Qualified Tester, and Remedial Action Program. A red arrow points from the "Forms" link to the "PSTB Main Address" section. This section includes a "Listen" button, the address: 2905 Rodeo Park Drive East, Building 1, Santa Fe NM, 87505, contact numbers (505) 476-4397 and (505) 476-4374, and Twitter handles @NMEnvDep and #IamNMED. To the right is a photo of several large, dark, cylindrical underground storage tanks. At the bottom, there is a "Subscribe to Email Alerts" button and a text prompt: "Click the button above to subscribe to email alerts. Email alerts are RFP's, notices of meetings, info on updates of NM's PST regulations, etc."



Where to Get Information

Subscribe to Email Alerts

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The screenshot shows a web browser window with the URL https://www.env.nm.gov/petroleum_storage_tank/. The page title is "Petroleum Storage Tank Bureau". The navigation menu includes: Air, Water, Waste, Health & Safety, Cleanups, Permits & Licenses, Services & Assistance, News, and ...More.

On the left sidebar, the "Prevention and Inspection Program" is expanded, showing a list of links: Forms, Find Your Tank Inspector, Guidance Docs, AST and UST, Delivery Prohibition, and Prevention and Inspection Q and A. A red arrow points to the "Find Your Tank Inspector" link.

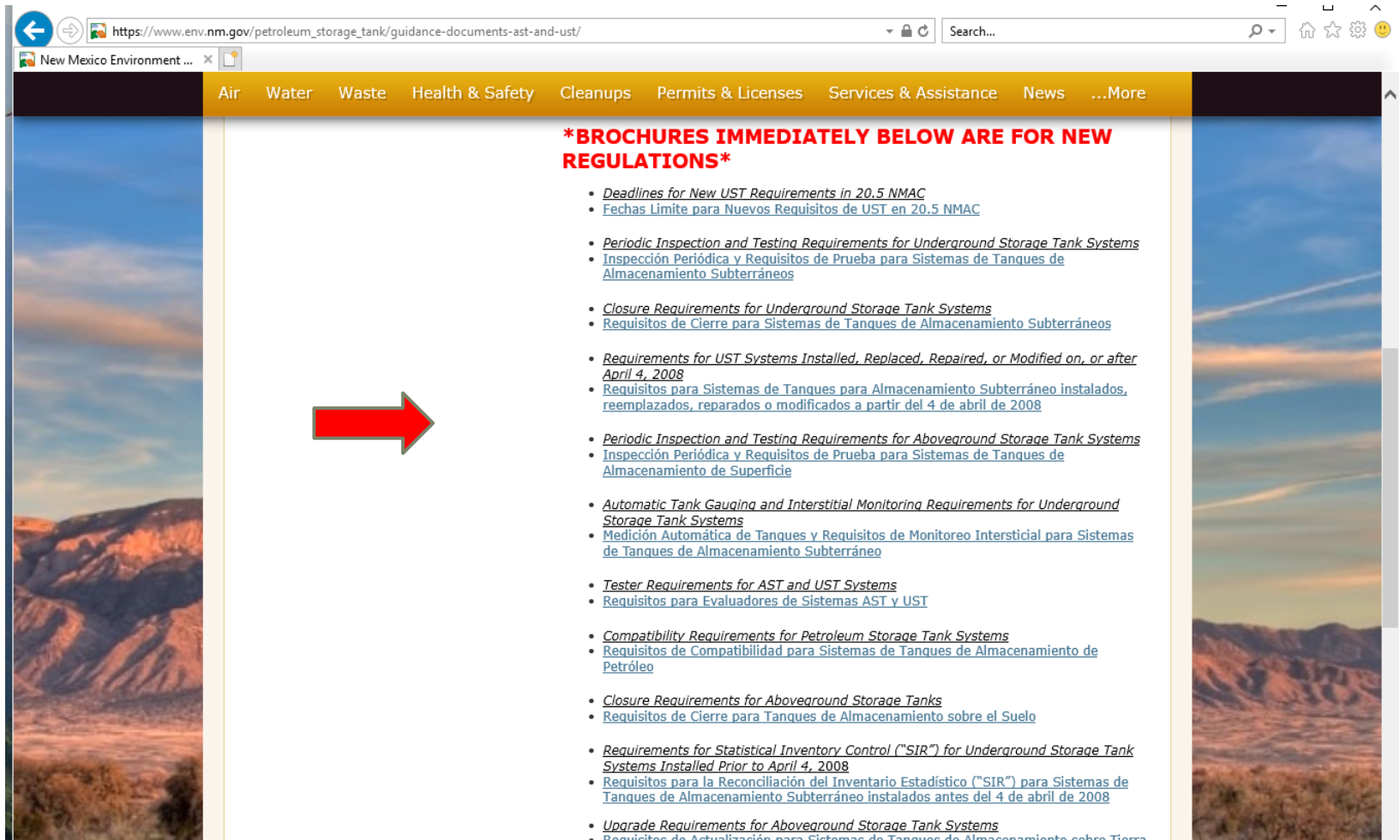
The main content area features a "Listen" button, the "PSTB Main Address" (2905 Rodeo Park Drive East, Building 1, Santa Fe NM, 87505), contact information (Tel (505) 476-4397, Fax (505) 476-4374), and a "Subscribe to Email Alerts" button. Below the address is a photo of several large, dark, cylindrical storage tanks.

At the bottom, there are links for "PSTB Organization Chart", "PSTB Staff List", and "Find Your Tank Inspector". A section titled "Announcements and Job Openings" contains a red notice: "*NEW* RFP (Request for Proposals) posted on our RFP page for remediation of Sunshine Service Station State Lead Site, Ribera. Due by: 3 p.m. October 23, 2019". Below this, it states "PSTB is now accepting applications for the New Junior Installer Certification Program" and "PSTB is now accepting requests for Qualified Testers".



Where to Get Information

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https://www.env.nm.gov/petroleum_storage_tank/guidance-documents-ast-and-ust/

New Mexico Environment ...

Air Water Waste Health & Safety Cleanups Permits & Licenses Services & Assistance News ...More

BROCHURES IMMEDIATELY BELOW ARE FOR NEW REGULATIONS

- [Deadlines for New UST Requirements in 20.5 NMAC](#)
• [Fechas Limite para Nuevos Requisitos de UST en 20.5 NMAC](#)
- [Periodic Inspection and Testing Requirements for Underground Storage Tank Systems](#)
• [Inspección Periódica y Requisitos de Prueba para Sistemas de Tanques de Almacenamiento Subterráneos](#)
- [Closure Requirements for Underground Storage Tank Systems](#)
• [Requisitos de Cierre para Sistemas de Tanques de Almacenamiento Subterráneos](#)
- [Requirements for UST Systems Installed, Replaced, Repaired, or Modified on, or after April 4, 2008](#)
• [Requisitos para Sistemas de Tanques para Almacenamiento Subterráneo instalados, reemplazados, reparados o modificados a partir del 4 de abril de 2008](#)
- [Periodic Inspection and Testing Requirements for Aboveground Storage Tank Systems](#)
• [Inspección Periódica y Requisitos de Prueba para Sistemas de Tanques de Almacenamiento de Superficie](#)
- [Automatic Tank Gauging and Interstitial Monitoring Requirements for Underground Storage Tank Systems](#)
• [Medición Automática de Tanques y Requisitos de Monitoreo Intersticial para Sistemas de Tanques de Almacenamiento Subterráneo](#)
- [Tester Requirements for AST and UST Systems](#)
• [Requisitos para Evaluadores de Sistemas AST y UST](#)
- [Compatibility Requirements for Petroleum Storage Tank Systems](#)
• [Requisitos de Compatibilidad para Sistemas de Tanques de Almacenamiento de Petróleo](#)
- [Closure Requirements for Aboveground Storage Tanks](#)
• [Requisitos de Cierre para Tanques de Almacenamiento sobre el Suelo](#)
- [Requirements for Statistical Inventory Control \("SIR"\) for Underground Storage Tank Systems Installed Prior to April 4, 2008](#)
• [Requisitos para la Reconciliación del Inventario Estadístico \("SIR"\) para Sistemas de Tanques de Almacenamiento Subterráneo instalados antes del 4 de abril de 2008](#)
- [Upgrade Requirements for Aboveground Storage Tank Systems](#)
• [Requisitos de Actualización para Sistemas de Tanques de Almacenamiento sobre Tierra](#)



Overview of Changes



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- Summary of Changes (handout)
 - ▣ AST and UST requirements in separate parts and new parts added.
 - ▣ Parts are in a more logical order
 - ▣ List of New or Amended Definitions
- Will develop FAQs

Please send questions to:

pst.regulations@state.nm.us

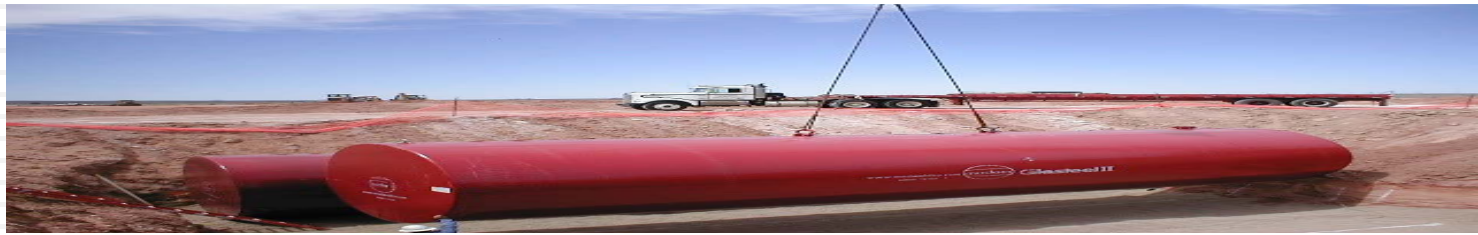




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PART 101: Scope and Definitions

- **Scope has been expanded:**
 - Tanks that were not previously regulated are now regulated, e.g., airport hydrant fuel distribution systems and UST systems with field-constructed tanks.
 - Expanded requirements for emergency power generators
- **List of New or Amended Definitions**



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PART 102: Registration of Tanks

- Changes clarify existing requirements.
 - The regulations clarify the timeframe for registering a new tank (within 60 days of placing a regulated substance in the tank) and define when the tank installation is certified to be complete and in compliance.
 - Owners and operators must have a registration certificate to operate a storage tank.



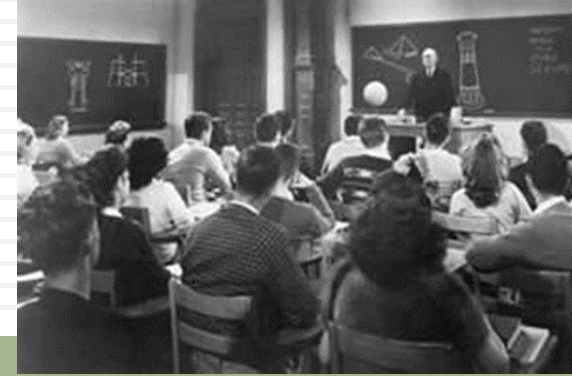
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Part 103: ANNUAL FEE

- Changes clarify existing requirements.

Starting July 1, 2019, a 15-day grace period is provided, after which late fees will be applied.





9 Part 104: Operator Training

- ❑ Owners and Operators must provide names of Class A and B operators within 30 days of a change and when registering a new tank.
- ❑ Operators must be present or available during inspections.
- ❑ Class A and B operators must provide verification to the Department of re-training.
- ❑ Timelines, deadlines, and content for approval of trainers and training materials have been modified.

Brochure: DEADLINES FOR NEW UST REQUIREMENTS IN 20.5 NMAC

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Deadlines for meeting new UST requirements:

July 24, 2018 – Effective Immediately

- 1) Existing UST systems that have not met the 1998 UST upgrade requirements must be permanently closed by following the requirements in 20.5.115 NMAC.
- 2) Owners and operators must notify the department 30 days prior to changing contents to gasoline with greater than 10% ethanol, diesel with greater than 20% biodiesel, or any other regulated substance identified by the department. The notification must include letters from equipment manufacturers stating the equipment is compatible with the substance stored. (20.5.107.708 NMAC)
- 3) Flow restrictors, aka ball float valves, can no longer be installed or replaced as overfill prevention on USTs. (20.5.106.613.C NMAC)
- 4) Functionality testing of automatic line leak detectors must include a simulated leak. (20.5.108.810.A(2) NMAC)
- 5) All release detection methods except for inventory control and manual tank gauging must be third party certified. (20.5.108.800.A(5) NMAC)
- 6) Monthly walk-through inspections must include inspections of the spill prevention and overfill prevention for damage or inoperability, containment sumps, and release detection equipment

- for alarms. Monthly release detection data must be reviewed by owners, operators, and Class A/B operators. (20.5.107.707 NMAC)
- 7) Underground piping repaired or replaced must be double-walled with containment sumps as both ends. The piping must be interstitially monitored every 30 days. (20.5.106.606.C(3) NMAC)
- 8) New UST systems must be registered with the department within 60 days of placing a regulated substance in the tank. (20.5.102.202 NMAC)
- 9) New UST emergency generator systems must meet release detection requirements upon installation. (20.5.113.1304 NMAC)
- 10) Persons performing required tests such as, but not limited to, tank & line tightness tests, functionality tests of automatic line leak detectors and sensors, and tests of cathodic protection systems must meet the requirements in 20.5.105.504 NMAC.
- 11) Facilities without a current and valid registration certificate due to failure to pay tank fees must place their tank systems into temporary closure or permanent closure. (20.5.102.200.E NMAC)

July 24, 2019 – Effective One Year Later

- 1) Release detection equipment must be inspected or tested for operability and serviceability. (20.5.108 NMAC)
- 2) Hybrid tank systems must have redundant automatic shutoff and manual override equipment on piping transferring a regulated substance from the AST to the UST. (20.5.114.1402.A NMAC)

July 24, 2021 – Effective Three Years Later

- 1) Spill prevention equipment must be tested by this date and every three years thereafter. Double walled spill buckets may be monitored every 30 days in lieu of periodic testing. (20.5.107.704.C NMAC)
- 2) Overfill prevention equipment must be tested by this date and every three years thereafter. (20.5.107.704.E NMAC)
- 3) Containment sumps used for interstitial monitoring of underground piping must be tested by this date and every three years thereafter. Double walled sumps may be monitored every 30 days in lieu of periodic testing. (20.5.107.706 NMAC)
- 4) Existing UST systems used for emergency power generation must meet release detection requirements. (20.5.113.1303 NMAC)



Part 116: Delivery Prohibition

- ❑ Owners and operators are required to permanently close a storage tank system that has been affixed with a red tag if the violations associated with the red tag have not been corrected within 12 months of the placement of the red tag.



Part 117: Financial Responsibility

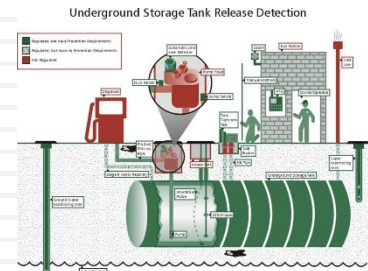
- ❑ Adopted new federal language, including acceptable examples of Financial Responsibility documentation.
- ❑ Financial Responsibility is required for all regulated tanks until they are permanently closed or undergo a change of service (non-regulated substance).



Federal Reporting Requirements

- **Technical Compliance Rate (TCR)**
 - Release Detection
 - Release Prevention
 - Testing and other new 2015 Requirements

- **Other compliance measures**
 - Operator Training
 - Financial Responsibility
 - Walkthrough Inspections





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Part 124: Lender Liability

- ❑ Adopted Federal Changes
- ❑ Reorganized



Part 125: Administrative Review

- ❑ Clarified that 1.4.1 NMAC, Procurement Code, applies: Relating to contractor selection and related protests.







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Part 123: Corrective Action Fund

- ❑ Formerly Part 17.
- ❑ Hearing was held October 12, 2018
- ❑ Revised regulations published and effective December 27, 2018.

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



10/27/2005



Part 105: Certified Installers; Certified Junior Installers; and Qualified Testers

- ❑ No changes to Certified Installers. Certified Installers may continue to perform tasks that Certified Junior Installers may perform

- ❑ Effective July 24, 2019
 - ❑ Certification of Junior Installers (UST or AST)
 - ❑ Owner and operator required to provide tester qualifications to PSTB unless tester has provided them

Certified AST Junior Installer

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- May install, modify, repair, and replace spill and overflow prevention equipment on ASTs.
- Additionally, if a Certified AST Junior Installer has Journeyman's Pipefitters', MM-4, or MM-98 license, he or she can repair and replace above ground piping on AST systems.
- Must pass NM Laws & Rules Test and National Technical AST Test prior to submitting application.



Certified UST Junior Installer

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- A Certified UST Junior Installer can install, modify, repair, and replace spill and overfill prevention equipment on USTs.
- Must pass NM Laws & Rules Test and National Technical UST Test prior to submitting application.



Qualified Tester

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Qualified Tester

- Beginning on July 24, 2019, any person who performs the following tests shall meet the requirements in 20.5.105.504 NMAC:
 - ▣ Periodic Testing of spill prevention and containment sumps.
 - ▣ Periodic inspections and testing of overfill prevention.
 - ▣ Precision line & tank tightness testing.
 - ▣ Functionality testing & inspections of ATG systems, automatic line leak detectors, interstitial sensors, and sump sensors.
 - ▣ Periodic testing of cathodic protection systems.



Qualified Tester

- ❑ Testers must maintain certification with testing equipment manufacturers, calibrate equipment according to manufacturer's instructions, and must not perform tests on equipment where they are the owner or an employee of the owner.
- ❑ Owners and operators shall submit the tester's qualifications every time they submit a test report, or the tester may submit all of the documentation to the Bureau prior to conducting tests in New Mexico.
- ❑ New or updated certification must be submitted to the Bureau before conducting tests under that certification.



Questions

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- pst.regulations@state.nm.us

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