TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 5 PETROLEUM STORAGE TANKS
PART 113 UNDERGROUND STORAGE TANK EMERGENCY GENERATOR SYSTEMS

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

20.5.113.2 SCOPE: This part applies to owners and operators of underground storage tank emergency generator systems as provided in 20.5.101 NMAC. If the owner and operator of an underground 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.
[20.5.113.2 NMAC - N, 07/24/2018]

20.5.113.3 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.
[20.5.113.3 NMAC - N, 07/24/2018]

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

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

20.5.113.6 OBJECTIVE: The purpose of 20.5.113 NMAC is to ensure that underground 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.
[20.5.113.6 NMAC - N, 07/24/2018]

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

20.5.113.8 to 20.5.113.1299 [RESERVED]

20.5.113.1300 GENERAL REQUIREMENTS: Owners and operators of underground 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.
[20.5.113.1300 NMAC - N, 07/24/2018]

20.5.113.1301 DEADLINES FOR CLOSING OR UPGRADING EXISTING UST EMERGENCY GENERATOR SYSTEMS: Not later than July 1, 2013, owners and operators of UST emergency generator systems installed prior to April 4, 2008, must have:

A. upgraded UST emergency generator systems to meet all performance standards for UST systems in this part and 20.5.106 NMAC; or

B. permanently closed any UST emergency generator system that does not meet the performance standards in this part and 20.5.106 NMAC in accordance with 20.5.115.1502 NMAC.
[20.5.113.1301 NMAC - N, 07/24/2018]

20.5.113.1302 DESIGN, CONSTRUCTION, AND INSTALLATION OF NEW AND UPGRADED UNDERGROUND STORAGE TANK EMERGENCY GENERATOR SYSTEMS: Owners and operators of underground storage tank emergency generator systems shall meet all of the requirements in this section in addition to all of the applicable requirements in 20.5.106 NMAC.

A. Owners and operators of USTs 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 UST by a separate pump and piping system other than that which supplies a regulated substance to the emergency generator;

B. Owners and operators who install a normally closed solenoid valve on the supply piping so that a leak will not drain the system by siphon shall meet one of the following:

(1) the solenoid valve shall operate from battery voltage and have manual (nonelectric) operation; or

(2) owners and operators shall install a manual bypass valve.

C. Owners and operators of underground storage tank emergency generator systems shall use national codes and standards as required in 20.5.106 NMAC. Owners and operators shall also use one 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"*.

D. Owners and operators of UST emergency generator systems installed prior to April 4, 2008 must have either met the requirements for new UST systems in 20.5.106.606 NMAC or have upgraded the UST systems in accordance with the requirements in 20.5.106.607 NMAC.

E. Owners and operators of UST emergency generator systems installed on or after April 4, 2008 shall meet the secondary containment requirements in 20.5.106.606 NMAC at installation.

F. Owners and operators shall use one or more of the following to meet the requirements for this section:

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

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

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

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

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

(6) *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"*.

[20.5.113.1302 NMAC - N, 07/24/2018]

20.5.113.1303 RELEASE DETECTION REQUIREMENTS FOR UST EMERGENCY GENERATOR SYSTEMS INSTALLED PRIOR TO JULY 24, 2018: Owners and operators of UST 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 20.5.108 NMAC.

A. Owners and operators of UST 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 underground storage tanks every 30 days for releases.

B. Owners and operators of UST 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 UST 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 meet the requirements of 20.5.108.810 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 to meet the interstitial monitoring requirements shall not be required to automatically shut off the submersible turbine pump when a liquid 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 UST emergency generator systems with piping that conveys a regulated substance by suction shall comply with the requirements in 20.5.108.812 NMAC, except 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 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) *American Petroleum Institute Publication RP 1615, "Installation of Underground Hazardous Substances or Petroleum Storage Systems"*;

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

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

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

(6) *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"*.

[20.5.113.1303 NMAC - N, 07/24/2018]

20.5.113.1304 RELEASE DETECTION REQUIREMENTS FOR UST EMERGENCY GENERATOR SYSTEMS INSTALLED OR MODIFIED ON, OR AFTER JULY 24, 2018: Owners and operators of UST 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 20.5.106 NMAC upon installation.

A. Owners and operators of UST emergency generator systems installed or modified on or after the effective date of these regulations shall use interstitial monitoring in accordance with 20.5.108.810 NMAC to meet the requirements for monthly monitoring.

B. Owners and operators of UST 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 UST emergency generator systems shall meet the requirements of 20.5.108.811 NMAC, except:

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

(2) Sensors used to meet the interstitial monitoring requirements for UST 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 and visual alarm when liquid is detected.

C. Owners and operators of UST 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 by suction shall comply with the requirements in 20.5.108.813 NMAC, except that the sensors used for interstitial monitoring shall activate an external audible and visual alarm when liquid is detected either in the interstice of the piping or in containment sumps. Sensors used to meet the interstitial monitoring requirements for UST 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) *American Petroleum Institute Publication RP 1615, "Installation of Underground Hazardous Substances or Petroleum Storage Systems"*;

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

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

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

(6) *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"*.

[20.5.113.1304 NMAC - N, 07/24/2018]

20.5.113.1305 CERTIFIED INSTALLERS: Owners and operators of underground 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.

[20.5.113.1305 NMAC - N, 07/24/2018]

20.5.113.1306 ALTERNATE METHODS:

A. If owners and operators want to install UST emergency generator systems to meet 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 or 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 or piping installed prior to the effective date of the regulations, and if, for USTs, the method can detect a two-tenth 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 or piping installed prior to the effective date of the regulations if owners and operators can demonstrate that the method can detect a release as effectively as any of the applicable methods allowed in 20.5.108 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.

[20.5.113.1306 NMAC - N, 07/24/2018]

20.5.113.1307 RECORDKEEPING: Owners and operators of underground storage tank emergency generator systems shall meet the requirements for recordkeeping in this part in addition to all of the applicable requirements in 20.5.107 NMAC and 20.5.108 NMAC.

[20.5.113.1307 NMAC - N, 07/24/2018]

20.5.113.1308 REPORTING: Owners and operators of underground storage tank emergency generator systems shall meet the requirements for reporting in this part in addition to all of the applicable requirements in 20.5.107.715 NMAC and 20.5.108.816 NMAC.
[20.5.113.1308 NMAC - N, 07/24/2018]

History of 20.5.113 NMAC: [RESERVED]