

**STATE OF NEW MEXICO ENVIRONMENT DEPARTMENT
STORAGE TANK COMMITTEE MEETING
Toney Anaya Building
Rio Grande Room Second Floor
Santa Fe, NM 87504**

November 19, 2014 Minutes

The meeting of the Storage Tank Committee was called to order by Ms. Trais Kliphuis, Chair, at 10:03 a.m.

Members Present:

Trais Kliphuis, Chair
Ryan Briggs, STC Member
Benjamin Hodges, STC Member
Brent Neil, STC Member
Stephen McLin, STC Member

Member Absent:

Jeff Scarbrough, STC Member

Others:

Dana Bahar, NMED/PSTB
Lorena Goerger, NMED/PSTB
Kalvin Martin, NMED/PSTB
Antonette Cordova, NMED/PSTB
Delia Flores, NMED/PSTB
Jack Dickey, NMED/PSTB
Dawn Bascomb, NMED/PSTB
Jennifer Fullam, NMED/PSTB
Jennifer Foote, NMED/PSTB
Jenice Gallegos, AMEC
Alan Eschenbacher, SMA
Eileen Marcillo, Intera

Item #1 ROLL CALL

Roll call was taken and it was determined that a quorum was present.

Item #2 APPROVAL OF THE AGENDA

The Chair called for a motion to approve the agenda. Mr. McLin moved to approve the agenda, and Mr. Neil seconded the motion. The agenda was passed unanimously.

Item #3 APPROVAL OF THE MINUTES

The Chair called for a motion to approve the May 14, 2014 minutes. Mr. Neil moved to approve the minutes and Mr. Hodges seconded the motion. The minutes were passed unanimously.

Item # 4 REMEDIAL ACTION SITES UPDATE

Ms. Lorena Goerger, Remedial Action Program Manager, reported on the *March, April, May, June, July and August* spreadsheets. Workplan approvals are summarized below by month.

March 2014

<u>Responsible Party</u>		<u>State Lead</u>	
52	\$1,753,829.66	8	\$85,187.45
<u>Addendums</u>		<u>Addendums</u>	
3	\$19.06	0	\$0.00
Total	\$1,753,848.72	Total	\$85,187.45
GRAND TOTAL		\$1,839,036.17	

April 2014

<u>Responsible Party</u>		<u>State Lead</u>	
53	\$1,222,088.15	8	\$63,179.78
<u>Addendums</u>		<u>Addendums</u>	
2	\$7.34	0	\$0.00
Total	\$1,222,095.49	Total	\$63,179.78
GRAND TOTAL		\$1,285,275.27	

May 2014

<u>Responsible Party</u>		<u>State Lead</u>	
41	\$1,585,703.11	4	\$19,353.36
<u>Addendums</u>		<u>Addendums</u>	
3	\$8.08	0	\$0.00
Total	\$1,585,711.19	Total	\$19,353.36
GRAND TOTAL		\$1,605,064.55	

June 2014

<u>Responsible Party</u>		<u>State Lead</u>	
42	\$1,252,849.54	3	\$154,318.60
<u>Addendums</u>		<u>Addendums</u>	
0	\$0.00	0	\$0.00
Total	\$1,252,849.54	Total	\$154,318.60
GRAND TOTAL		\$1,407,168.14	

July 2014

<u>Responsible Party</u>		<u>State Lead</u>	
32	\$640,953.21	3	\$401,113.20
<u>Addendums</u>		<u>Addendums</u>	
1	\$2.36	0	\$0.00
Total	\$640,955.57	Total	\$401,113.20
GRAND TOTAL		\$1,042,068.77	

August 2014

<u>Responsible Party</u>		<u>State Lead</u>	
28	\$701,962.68	1	\$14,284.27
<u>Addendums</u>		<u>Addendums</u>	
3	\$85.88	0	\$0.00
Total	\$702,048.56	Total	\$14,284.27
GRAND TOTAL		\$716,332.83	

Ms. Goerger highlighted the expenditures for operation and maintenance at select sites for each month and noted the expansion of the remedial system in Laguna.

Five professional service contracts were executed in May for continued work at State-lead sites. Two requests for proposals for remedial action at Responsible Party-lead sites are in process and may be found on the Bureau webpage. The Program will be putting out more requests for proposals in the near future.

Ms. Goerger introduced Mr. Jack Dickey and Ms. Sarah McGrath, two new employees in the Remedial Action Program. The Program now has two vacancies that are in the process of being filled.

(The entire monthly reports are available at www.nmenv.state.nm.us/pstc)

Item #5 CORRECTIVE ACTION FUND UPDATE

Ms. Delia Flores, the Reimbursement Section Manager, presented the Corrective Action Fund Updates for the months of *March, April, May, June, July and August*.

March 2014:

Beginning Cash	\$16,406,052	Reserve	\$1,000,000
Loading Fee	\$1,732,689	Work plan liabilities	\$9,341,759
Payment	(\$1,111,604)	Unobligated balance	\$5,983,461
Operating Transfer	(\$701,917)		
Ending Cash	\$16,325,220		

April 2014:

Beginning Cash	\$16,325,220	Reserve	\$1,000,000
Loading Fee	\$1,424,099	Work plan liabilities	\$9,388,633
Payment	(\$1,183,226)	Unobligated balance	\$5,475,543
Operating Transfer	(\$701,917)		
Ending Cash	\$15,864,176		

May 2014:

Beginning Cash	\$15,864,176	Reserve	\$1,000,000
Loading Fee	\$1,701,031	Work plan liabilities	\$10,515,070
Payment	(\$403,192)	Unobligated balance	\$4,945,028
Operating Transfer	(\$701,917)		
Ending Cash	\$16,460,098		

June 2014:

Beginning Cash	\$16,460,098	Reserve	\$1,000,000
Loading Fee	\$1,522,601	Work plan liabilities	\$10,935,617
Payment	(\$896,859)	Unobligated balance	\$4,448,307
Operating Transfer	(\$701,917)		
Ending Cash	\$16,383,924		

July 2014:

Beginning Cash	\$16,383,924	Reserve	\$1,000,000
Loading Fee	\$1,569,794	Work plan liabilities	\$10,658,572
Payment	(\$1,227,878)	Unobligated balance	\$4,567,268
NMSU	(\$500,000)		
Operating Transfer	0		
Ending Cash	\$16,225,840		

August 2014:

Beginning Cash	\$16,228,493	Reserve	\$1,000,000
Loading Fee	\$1,575,870	Work plan liabilities	\$10,393,061
Due to/ Due From	\$751,767	Unobligated balance	\$4,942,286
Payment	(\$787,616)		
Utilities Payment	(\$100.00)		
Operating Transfer	(\$1,433,067)		
Ending Cash	\$16,335,347		

Ms. Flores noted that the Operating Transfer for July occurred in August. Ms. Flores highlighted the payment that was made for utilities for a State-lead site and noted that the Operating Transfer for this month was for the months of July and August. Ms. Flores also noted the payment of \$500,000.00 to New Mexico State University (NMSU) in accordance with the appropriation bill.

Mr. McLin questioned the payment to NMSU for that amount. Ms. Bahar stated that the money was appropriated by the legislature.

Mr. Briggs also questioned the NMSU transfer and stated he was not aware of another instance when the fund was used to in this way. He also stated he would like to know exactly what the funds were used for.

Ms. Bahar stated that since the legislature appropriated the funds the Bureau is not aware of the proposed purpose of the appropriated funds.

The Committee requested that the additional information on the appropriation for the next meeting, and requested that it be provided to them in advance of the next meeting.

(The entire monthly reports is available at www.nmenv.state.nm.us/pstc)

Item # 6 PREVENTION AND INSPECTION UPDATE

Mr. Kalvin Martin, Prevention Inspection Program Manager, provided the following update to the Committee.

The program has 11 Inspectors statewide with one vacant inspector position in Roswell, and a Compliance Assistance Coordinator. Each inspector is responsible for approximately 170 facilities. Mr. Martin also provided a map delineating the Inspector areas and introduced Ms. Jennifer Foote, the new Santa Fe area inspector and Ms. Jennifer Fullam, the Compliance Assistance Coordinator.

Mr. Martin summarized the following compliance statistics:

Total Facilities:

USTs	1230
ASTs	600
Total	1830

Total Compliance Inspections between October 1, 2013 – September 30, 2014:

UST Inspections	650
AST Inspections	230
Total	880

This represents approximately a 15% increase in the number of inspections from the previous year. The program was fully staffed for about 3 to 4 months during this period.

Significate Operating Compliance (SOC) violations: SOC violations are reported violations that are considered significant and could potentially lead to a release if not corrected. SOC violations are the same as Class A and B violations that trigger delivery prohibition enforcement. These numbers are reported to EPA.

SOC compliance rates are collected at the time of the inspection and are reported to EPA as part of our annual reporting requirements for USTs only.

SOC Compliance between October 1, 2013 – September 30, 2014:

USTs	66%
ASTs	68%

Overall compliance rate after corrections are made and a Certificate of Compliance is issued between July 1, 2013 – June 30, 2014 (state fiscal year):

USTs	83%
ASTs	76%

Average days between inspection and receipt of a Certificate of Compliance is 105 days

Mr. McLin asked what the average time period is for a facility to come into compliance, once violations are reported. Mr. Martin stated the average was about three months.

Common SOC Violations:

The five (5) most comment violations are:

- 1) No annual functionality test on Automatic Line Leak Detection (ALLD) for USTs,
- 2) Failure to conduct monthly monitoring for UST system,
- 3) No annual line tightness test,
- 4) Failure to operate and maintain spill prevention: broken spill bucket, and
- 5) Failure to perform 3-year CP test.

Delivery Prohibition Statistics

Red-tagged facilities	USTs 5, ASTs 4 (1 facility came in to compliance and the red tags were removed)
Total Facilities with A/B Violations	640
Total AST/UST/ Facilities	67/274
Total Facilities that achieved compliance	204 (50%)

Mr. McLin asked if the Program did follow up inspections to make sure once a facility was red tagged they are still not dropping fuel at that location. Mr. Martin stated the Inspectors go out every ninety days to do a follow up inspections.

Mr. Hodges asked if sites are coming into compliance by removing the tanks. Mr. Martin stated that has occurred in a few instances.

The Chair asked if the three month time frame to come into compliance seemed reasonable, and could this be streamlined to be shorter? Mr. Martin stated the three month time frame to come into compliance was a reasonable time frame as it includes the time to go out and do an inspection to make sure everything is in compliance.

A conversation took place describing the different types of inspections and violations.

Item # 7 TANK FEE AND CERTIFICATION PROGRAM UPDATE

Ms. Antonette Cordova, the Tank Fees and Certification Program Manager, provided the following summary.

FY15 Invoicing:

FY15 invoices were sent to Tank Owners and Operators in late May. Over 1000 invoices were sent out. The second invoicing cycle for late payments was in mid-September. Currently there are approximately 44 FY15 delinquent owners, and payments are still being received.

Tank Installer Certification:

The program certified four Certified Tank Installers in FY14 and received six applications. One application is pending on-site exam completion, and one applicant failed the on-site exam. One application was received in FY15 and it is in process, pending the on-site exam.

Eight Certified Installers are due for renewal in 2015, and reminder letters will be sent to those installers in early December.

Operator Training:

The program is currently updating the database to track operator training requirements per facility and designated A/B Operator. The Program met with classroom trainers to gather facility and operator information at time of class registration and will soon be meeting with the on-line provider to discuss the same registration requirements. Once all database upgrades have been made to accommodate tracking, a letter will be sent to all owners requesting that they designate their A/B Operators. This will allow the Bureau to track the A/B Operator compliance by facility and notify those owners that are out of compliance with the requirements or require retraining.

Mr. Hodges asked how the Bureau would track owners who have numerous A/B operators. Ms. Cordova stated at class registration they can indicate all their associated facilities, and if they have multiple A/B Operators they can call the provider and list them accordingly.

Mr. McLin asked if at the next meeting the Committee could see the report that the Program gives to EPA to get a better understanding of how the Program tracks compliance rates.

Item # 8 OTHER BUISNESS

Ms. Dawn Bascomb gave a presentation on the remedial action at Mike's Auto Detail, a State-lead Site in Belen, NM and fielded questions and discussion accordingly.

Item # 9 NEXT MEETING

The next meeting is tentatively scheduled for April 8, 2015.

Item #10 ADJOURNMENT

Mr. McLin moved to adjourn the meeting. Mr. Neil seconded the motion. The motion passed unanimously.

The meeting adjourned at approximately 11:19 a.m.