TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 5 PETROLEUM STORAGE TANKS
PART 5 GENERAL OPERATING REQUIREMENTS

20.5.5.1 ISSUING AGENCY: New Mexico Environmental Improvement Board. [20.5.5.1 NMAC - Rp, 20.5.5.1 NMAC, 04/04/2008]

20.5.5.2 SCOPE: This part applies to owners and operators of storage tanks as provided in 20.5.1 NMAC. If the owner and operator of a storage tank 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.
[20.5.5.2 NMAC - Rp, 20.5.5.2 NMAC, 04/04/2008]

20.5.5.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the provisions of the Hazardous Waste Act, NMSA 1978, Sections 74-4-1 through 74-4-14, and the general provisions of the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 through 74-1-17.
[20.5.5.3 NMAC - Rp, 20.5.5.3 NMAC, 04/04/2008; A, 03/17/2012]

20.5.5.4 DURATION: Permanent.
[20.5.5.4 NMAC - Rp, 20.5.5.4 NMAC, 04/04/2008]

20.5.5.5 EFFECTIVE DATE: April 4, 2008, unless a later date is indicated in the bracketed history note at the end of a section.
[20.5.5.5 NMAC - Rp, 20.5.5.5 NMAC, 04/04/2008]

20.5.5.6 OBJECTIVE: The purpose of 20.5.5 NMAC is to ensure that the operation and maintenance of storage tanks will prevent releases and to protect the public health, safety and welfare and the environment of the state.
[20.5.5.6 NMAC - Rp, 20.5.5.6 NMAC, 04/04/2008]

20.5.5.7 DEFINITIONS: The definitions in 20.5.1 NMAC apply to this part. [20.5.5.7 NMAC - Rp, 20.5.5.7 NMAC, 04/04/2008]

20.5.5.8 OPERATION AND MAINTENANCE OF STORAGE TANK SYSTEMS: Owners and operators shall properly maintain all tanks, piping, secondary containment and other associated equipment required in 20.5.4 NMAC, and shall ensure that all tanks, piping, secondary containment and other associated equipment for all storage tank systems are fully operational at all times. Owners and operators shall notify the department in accordance with 20.5.7 NMAC if a visual inspection, other inspection or testing conducted in accordance with 20.5.5 or 20.5.6 NMAC indicate that a release may have occurred.

~~A. Owners and operators shall visually inspect monthly an AST and all its components that are readily accessible to visual inspection.~~

AB. Owners and operators shall maintain the exterior coating of an AST and ancillary equipment not in contact with an electrolyte, such as soil,~~soil~~ in accordance with 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. One of the following ~~may~~ shall be used to comply with this requirement:

(1) Ssociety of Ppprotective Ceoatings SSPC-PA 1, "Sshop, Fffield, and Mmaintenance ppPainting of ssSteel";

(2) Ssociety of Ppprotective Ceoatings, "Tthe Iinspection of Ceoatings and Llinings: Aa Hhandbook of bBasic Ppractice for Iinspectors, Ooowners and Ssspecifiers";

(3) Ssociety of Ppprotective ccCoatings SSPC-PA Guide 4, "Ggguide to Mmaintenance Rrepainting with Ooil Bbase or Aalkyd Ppainting Sssystems"; or

(4) Ssociety of Ppprotective Ceoatings SSPC-PA Guide 5, "Ggguide to Mmaintenance Ceoating of Ssteel Sstructures in Aatmospheric Ssservice."

BC. Owners and operators shall mark fill port lids of ASTs and USTs in accordance with 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. The following ~~may~~ shall be used to comply with this requirement: American Ppetroleum Iinstitute RP1637, "Uusing the API Ccolor-Ssymbol Ssystem to Mmark eEquipment and Vvehicles for Ppproduct Iidentification at Sservice Sstations and Ddistribution Tterminals." Owners and operators shall clearly label the contents of all storage tanks.

C~~D~~. If any steel piping installed in a trench is used in an AST or UST system, owners and operators shall visually inspect the trench monthly. Owners and operators shall draw off any liquid that has accumulated in the trench within one week of the accumulation, and shall remove any other debris that has accumulated inside the trench. Owners and operators shall properly treat and dispose of any accumulated liquid with a visible sheen and the disposal shall be in accordance with all federal, state, and local statutes, ordinances, and regulations. If a basin sump is located in the trench, owners and operators shall keep the basin sump free of accumulated liquid and debris. Owners and operators shall not install any valves in any basin sump in a piping trench.

~~E. Owners and operators shall maintain all sumps (including, but not limited to: turbine sumps, STP- and submersible pumps), and draw off liquid that has accumulated in the sumps within one week of the accumulation, and shall remove any other debris that has accumulated inside the containment sumps. Owners and operators shall properly treat and dispose of any accumulated liquid with a visible sheen. If gravity drain valves are used to remove accumulated liquid from the containment sumps, owners and operators shall keep all valves closed except during the process of draining the accumulated liquid.~~

D~~F~~. Owners and operators shall check ASTs monthly for the presence of accumulated liquid at the lowest possible point inside the tank, and remove any accumulated liquid found to the extent technically possible. Owners and operators shall properly dispose of any and all accumulated liquid removed from an AST. [20.5.5.8 NMAC - Rp, 20.5.5.400 NMAC, 04/04/2008; A, 03/17/2012]

20.5.5.9 OPERATIONS AND MAINTENANCE PLAN: Owners and operators of all storage tank systems shall adopt and implement a written operations and maintenance plan, which they shall keep at the facility for the life of the storage tank system. Owners and operators of unmanned storage tank systems may keep the operations and maintenance plan at an alternate location as long as it is made readily available to the department upon request. The operations and maintenance plan shall be as specific as possible for each facility and shall include the piping and ancillary equipment that routinely contains regulated substances, or controls the flow of regulated substances. Owners and operators may use, by reference, operational and maintenance guidance from the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory. Owners and operators who reference a current edition of an industry standard or code of practice shall maintain a copy of the code or standard they reference. Owners and operators shall not implement the plan until it has been approved by the department.

A. At a minimum the operations and maintenance plan shall include the following:

(1) a detailed plan showing ~~what~~ inspections, operations, testing and maintenance ~~shall~~ to be done on a daily, monthly, quarterly and annual basis ~~in accordance with 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~~; the plan shall include a description of how owners and operators properly dispose of regulated substances spilled at the facility, and any water or soil removed from any part of the storage tank system where there is any indication it might be or have been contaminated with a regulated substance;

(2) a description of periodic operation and maintenance walk-through inspections in accordance with 20.5.5.XX NMAC; and

(~~2~~3) responses to emergency situations; this information shall be readily accessible at the facility; responses to emergency situations shall include the following:

(a) the location of equipment to be shut down during an emergency and how to safely perform these tasks;

(b) actions to be taken in the event of a fire, flooding, a spill, or a release of regulated substances;

(c) a site diagram; and

(d) a list of whom to notify or call during or after an emergency situation.

B. One of T~~t~~he following ~~may~~ shall be used to comply with the requirements of this section:

(1) American Ppetroleum Iinstitute 570, "Ppipe Iinspection Ccode: Iinspection R~~r~~epair, A~~a~~lteration, and R~~r~~erating of Iin-Sservice Ppiping Ssystems~~;~~";

(2) American Ppetroleum Iinstitute S~~s~~tandard 653, "T~~t~~ank Iinspection, R~~r~~epair, A~~a~~lteration, and R~~r~~econstruction~~;~~" or

(3) Ssteel T~~t~~ank Iinstitute S~~s~~tandard SP001, "Sstandard for Iinspection of Iin-S~~s~~ervice

Sshop Ffabricated Aaboveground Ttanks for Sstorage of Ccombustible and Fflammable Lliquids.”; or

(4) Petroleum Equipment Institute Recommended Practice RP 900, “Recommended Practices for the Inspection and Maintenance of UST Systems.”

C. Owners and operators may submit to the department for approval an alternate plan which contains all the information requested in this section.

D. Owners and operators of storage tank systems that have been placed in temporary closure in compliance with 20.5.8.9 NMAC shall not be required to have an operations and maintenance plan, unless one or both of the following conditions is present:

(1) the storage tank contains greater than one inch of regulated substance; or

(2) the storage tank system has steel components that are in contact with an electrolyte, such as soil, water or concrete.

~~E. Owners and operators of emergency generator systems existing as of July 1, 2011 shall meet the requirements of this section no later than July 1, 2012.~~

[20.5.5.9 NMAC - Rp, 20.5.5.400 NMAC, 04/04/2008; A, 03/17/2012]

20.5.5.10 OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT OF SECONDARY CONTAINMENT FOR ASTS:

A. Owners and operators shall operate, maintain and repair secondary containment in accordance with 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.

B. Owners and operators shall not store inside the secondary containment any material which is chemically reactive with the regulated substance stored in the AST system, or with the AST itself. Owners and operators shall not store any material in the secondary containment that reduces the capacity of the secondary containment below the requirements in 20.5.4.29 NMAC.

C. Owners and operators shall draw off any accumulation of liquid in the secondary containment, including all sumps, within one week of the accumulation, and shall remove any other debris that has accumulated inside the secondary containment. Owners and operators shall properly treat and dispose of any accumulated liquid with a visible sheen, and the disposal shall be in accordance with all federal, state, and local statutes, ordinances, and regulations. If gravity drain valves are used to remove the accumulated liquid from the secondary containment, owners and operators shall keep all valves closed except during the process of draining the accumulated liquid.

D. In order to maintain the highest level of secondary containment in case of a discharge from, or an overfill of, an AST system, owners and operators shall keep ~~the spill containment buckets,~~ catchment basins, containment sumps, basin sumps, and piping trenches free of water, regulated substances and debris.

E. Owners and operators shall, in accordance with 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:

(1) maintain, repair and replace any concrete secondary containment systems; and

(2) repair all significant cracks in the floors and walls of concrete secondary containment systems.

F. One of Tthe following ~~may~~ shall be used to comply with the concrete secondary containment system repair requirement in Subsection E above:

(1) Ssociety of Pprotective Cceoating and Nnational Aassociation of Ccorrosion Eexperts SSPC-TU2/NACE 6G197, “Ddesign, Iinstallation and Mmaintenance of Cceoating Ssystems for Cceoncrete Uused in Ssecondary Ceontainment;”;

(2) American Ceoncrete Iinstitute 224R, “Ceontrol of Ccracking in Ceoncrete Sstructures;”; or

(3) American Ceoncrete Iinstitute “Ceoncrete Rrepair Mmanual.”

G. Owners and operators shall maintain, repair and replace any geo-synthetic liner according to manufacturer’s instructions, which owners and operators shall keep readily available at the facility for the life of the liner.

H. Owners and operators shall protect from corrosion any secondary containment constructed of steel, and shall cathodically protect any portion of the steel secondary containment that is in contact with an electrolyte, such as soil, or water. Owners and operators shall maintain the exterior of any steel secondary containment in accordance with 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. The

following ~~may~~ shall be used to comply with this requirement: Ssociety of Pprotective Cecoatings SSPC-PA-1, "Sshop, Ffield, and Mmaintenance Ppainting of Ssteel."

I. Owners and operators of above ground storage tanks which are either double-walled or which have an interstitial space that is monitored as a method of release detection shall comply with the following applicable requirements:

(1) Wwhere design and release detection methods allow the interstice of a double-walled above ground storage tank to be visually inspected without disturbance of the release detection system, owners and operators shall ~~monthly~~ perform ~~visually~~ monthly visual inspections ~~inspect~~ for the presence of water, regulated substances or debris;

(2) I~~i~~f testing conducted in accordance with 20.5.4, 20.5.5 or 20.5.6 NMAC indicates that the stored regulated substance is leaking into the interstice of the AST, then owners and operators shall have the tank repaired in accordance with the tank manufacturer's instructions or specifications, or with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory;

(3) O~~o~~wners and operators shall monitor all vertical ASTs with an interstitial space between the tank bottom and secondary containment for the presence of water or regulated substances; if gravity drain valves are used for monitoring and removal of water or regulated substances, owners and operators shall keep them closed except during the process of monitoring and draining;

~~(4) owners and operators shall keep all sumps associated with interstitial monitoring free of water;~~

(4~~5~~) O~~o~~wners and operators shall annually inspect and test all sensors used to monitor interstitial spaces, in accordance with manufacturer's testing protocol, or in accordance with 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; and

(5~~6~~) owners and operators shall remove all liquid found in interstitial spaces, and dispose of it properly.

[20.5.5.10 NMAC - Rp, 20.5.5.401 NMAC, 04/04/2008; A, 03/17/2012]

20.5.5.11 OPERATION, REPAIR, AND MAINTENANCE OF SECONDARY CONTAINMENT FOR USTS:

A. Owners and operators of underground storage tank systems shall operate, maintain and repair secondary containment in accordance with the manufacturer's instructions or specifications, or with 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. One of ~~T~~the following ~~may~~ shall be used to comply with this requirement:

(1) U.S. Eenvironmental Ppprotection Aagency #510-R-05-001, "~~ust~~ UST Ssystems: Iinspecting and Mmaintaining Ssumps and Sspill Bbuckets"; or

(2) U.S. Eenvironmental Ppprotection Aagency #510-R-05-001, "~~ust~~ UST Ssystems: Iinspecting and Mmaintaining Ssumps and Sspill Bbuckets."~~; or~~

B. Owners and operators shall draw off liquid that has accumulated in the secondary containment, including all sumps, within one week of any accumulation of liquid, and shall remove any other debris that has accumulated inside the secondary containment. Owners and operators shall properly treat and dispose of any accumulated liquid with a visible sheen.

C. Under-dispenser containment must allow for visual inspection and access to the components in the containment system, or be periodically monitored for leaks from the dispenser system in accordance with 20.5.5.18 NMAC.

D. Under-dispenser containment for systems installed after April 4, 2008 shall be maintained to meet requirements in 20.5.4.15 NMAC.

[20.5.5.11 NMAC - N, 04/04/2008; A, 03/17/2012]

20.5.5.12 OPERATION, REPAIR, AND MAINTENANCE OF VAULTS:

A. Owners and operators shall operate, maintain and repair the walls and floor of a vault in accordance with 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. One of ~~T~~the following ~~may~~ shall be used to comply with this requirement:

(1) Ssociety of Pprotective Cecoating and Nnational Aassociation of Cecorrosion

Eexperts SSPC-TU2/NACE 6G197, "Ddesign, Iinstallation and Mmaintenance of Ceoating Ssystems for Ceoncrete Uused in Ssecondary Ceontainment;";

(2) American Ceoncrete Iinstitute 224R, "Ceontrol of Ceracking in Ceoncrete Sstructures;"; or

(3) American Ceoncrete Iinstitute "Ceoncrete Rrepair Mmanual."

B. Owners and operators shall visually inspect the interior of any vault from the outside monthly, and annually shall enter and inspect the interior of the vault. Owners and operators shall draw off any liquid that has accumulated in a vault within one week of any accumulation of liquid if the liquid is in contact with the tank or piping (but need not draw off liquid only in contact with a tank's saddles, skid or other support), and shall remove any other debris that has accumulated inside the vault and which is in contact with the tank, piping or saddle, skid or other support. Owners and operators shall properly treat and dispose of any accumulated liquid with a visible sheen and the disposal shall be in accordance with all federal, state, and local statutes, ordinances, and regulations. If a sump is located in the vault, owners and operators shall keep the liquid trap free of water and debris. Owners and operators shall not install any valves in any sump in a vault.

C. Owners and operators shall not store inside a vault any material which is chemically reactive with the regulated substance stored in the AST system, or with the AST itself.

D. Owners and operators shall ensure that a vault is well vented before any fuel transfer begins, and shall keep open all vents during the transfer.

E. For vaults with roofs, owners and operators shall properly maintain and repair the roof of a vault in accordance with 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.

[20.5.5.12 NMAC - Rp, 20.5.5.402 NMAC, 04/04/2008; A, 03/17/2012]

20.5.5.13 OPERATION, REPAIR, AND MAINTENANCE OF VENTING SYSTEMS:

Owners and operators shall operate, maintain and repair venting systems in accordance with 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. At least monthly, owners and operators shall check emergency vents to ensure they are operational. The following ~~may~~ shall be used to comply with this requirement: Nnational Ffire Ppprotection Aassociation Sstandard 91, "Sstandard for Eexhaust Ssystems for Aair Ceonveying of Vvapors, Ggases, Mmists, and Nnoncombustible Ppparticulate Ssolids."

[20.5.5.13 NMAC - Rp, 20.5.5.403 NMAC, 04/04/2008]

20.5.5.14 OPERATION AND MAINTENANCE OF SPILL AND OVERFILL PREVENTION:

~~A. Owners and operators shall ensure that releases due to spilling or overfilling do not occur. Owners and operators shall ensure that all spill and overfill equipment required in 20.5.4.33 NMAC is properly maintained and fully operational at all times.~~

A. Owners and operators shall ensure that the volume available in a tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling. Owners and operators shall comply with the transfer procedures described in 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. One of Tthe following shall~~may~~ be used to comply with this requirement:

~~(1) national fire protection association standard 385, "standard for tank vehicles for flammable and combustible liquids;"~~

~~(2) American petroleum institute publication RP 1621, "bulk liquid stock control at retail outlets;"~~

~~(3) national fire protection association 30, "flammable and combustible liquids code;"~~

(14) Nnational Ffire Ppprotection Aassociation 30A, "Ceode for Mmotor Ffuel Ddispensing Ffacilities and Rrepair Ggarages;";

~~(5) Ppetroleum Eequipment Iinstitute Ppublication RP200, "Rrecommended Ppractices for Iinstallation of Aabove Gground Sstorage Ssystems for Mmotor Vvehicle Ffueling;" or~~

(26) Iinternational Ceode Ceouncil, "Iinternational Ffire Ceode";

(3) Petroleum Equipment Institute Publication RP600, "Recommended Practices for Overfill Prevention for Shop-Fabricated Above Ground Tanks;"; or

(4) American Petroleum Institute Standard 2350, "Overfill Protection for Storage Tanks in Petroleum Facilities."

B. For additional guidance on subsection A, see the following:

(1) National Fire Protection Association Standard 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids";

(2) American Petroleum Recommended Practice 1007, "Loading and Unloading of MC 306/DOT 406 Cargo Tank Motor Vehicles";

(3) American Petroleum Institute Publication 1621, "Bulk Liquid Stock Control at Retail Outlets"; or

(4) National Fire Protection Association 30, "Flammable and Combustible Liquids Codes."

C. Owners and operators of UST systems shall ensure that spill prevention equipment required in 20.5.4.33 NMAC is liquid tight, maintained, and fully operational at all times. In order to ensure the equipment meets these requirements, owners and operators shall no later than [XX/XX/2019] meet the following requirements:

(1) Single walled spill prevention equipment shall be tested every three years either by a vacuum, pressure, or liquid test method that meets one of the following:

(a) t~~T~~he equipment manufacturer's developed and published testing requirements; or

(b) Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities."

(2) Single walled spill prevention equipment installed in a containment sump and double walled spill prevention equipment shall either be tested every three years or monitored as follows:

(a) Testing shall either be by a vacuum, pressure, or liquid method that meets one of the following:

(i) ~~T~~the equipment manufacturer's developed and published testing requirements; or

(ii) Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities."

(b) Monitoring shall be performed ~~either~~ monthly either with a ~~sump~~ sensor or ~~annually in accordance with the requirements in 20.5.5. NMAC~~visual inspection.

(3) Double walled spill prevention equipment that is periodically monitored every 30 days shall have records of the monitoring maintained in accordance with the requirements in 20.5.5.22 NMAC. If monthly monitoring is not being conducted or ~~no~~ records of the monitoring cannot be produced, a test in accordance with 20.5.5.14.C(1) NMAC shall be conducted within the next thirty days of discontinuing periodic monitoring of the equipment.

(4) A report shall be produced which includes the results of any vacuum, pressure, or liquid testing conducted on spill prevention equipment and the report shall be submitted to the department in accordance with the requirements in 20.5.5.21NMAC and maintained in accordance with the requirements in 20.5.5.22 NMAC. At a minimum the report shall comply with the Spill Bucket Integrity Testing, Hydrostatic Test Method, Single and Double Walled Vacuum Test Method form in Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities." ~~.~~

D. Owners and operators of AST systems shall ensure that spill prevention equipment required in 20.5.4.33 NMAC is liquid tight, maintained, and fully operational at all times. In order to ensure the equipment meets these requirements, owners and operators shall no later than [XX/XX/2019] have the spill prevention equipment inspected or tested in accordance with the following:

(1) Spill prevention installed where the outer and inner walls along with the bottom of the equipment are clearly visible shall be monitored monthly. Records of the monthly monitoring shall be maintained in accordance with 20.5.5.22 NMAC.

(2) Spill prevention equipment installed where the outer and inner walls along with the bottom of the equipment are not clearly visible shall be required to meet the requirements in 20.5.5.14.C NMAC by XX/XX/2019 and every three years thereafter have the spill prevention equipment tested.

E. Spill prevention equipment that either fails when tested or is found to be damaged during periodic monitoring shall be repaired or replaced in accordance with 20.5.5.20~~17~~ NMAC.

F. Owners and operators of UST systems shall ensure that overfill prevention equipment required in 20.5.4.33 NMAC is maintained and fully operational at all times. Owners and operators shall either use the

methods and procedures for the inspection as listed in Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities," or those developed and published by the equipment manufacturer. In order to ensure the equipment meets these requirements, owners and operators shall no later than [XX/XX/2019] and every three years~~,~~ thereafter~~,~~ have the overfill prevention equipment inspected or tested and shall meet the following:

(1) The inspection shall verify the equipment meets the requirements in 20.5.4.33 NMAC, and if the equipment fails to meet these requirements, it shall be repaired or replaced. The repair or replacement shall be in accordance with 20.5.5.20~~17~~ NMAC.

(2) Prior to the inspection of flow restrictors ~~or ball float valves~~ on vent lines on existing USTs, either a vacuum or pressure decay test shall be conducted in order to ensure all of the penetrations on top of the tank are vapor tight. If the tank fails the test it shall be repaired prior to placing the tank back into service.

(3) Flow restrictors ~~or ball float valves~~ on vent lines that are found to be inoperable during the inspection shall be replaced with another type of overfill prevention equipment.

(4) Drop tube style overfill prevention equipment shall be removed from the tank and inspected for operability.

(5) If more than one type of overfill prevention equipment is installed on a UST, owners and operators shall ensure that~~e different~~none of them ~~types~~ will ~~not~~ interfere with the proper operation of any of the ~~each~~ others.

(6) A report shall be produced which includes the results of the inspection, and the report shall be maintained in accordance with the requirements in 20.5.5.22 NMAC. The report shall be submitted to the department in accordance with the requirements ~~sixty6 as required~~ in Subsection G of 20.5.5.21 NMAC. At a minimum the report shall comply with one of the following:

(a) UST Overfill Equipment Inspection, Automatic Shutoff Device, and Ball Float Valve form in Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities~~,~~"; or

(b) Overfill Alarm Operational Inspection Form in Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities."

G. Owners and operators of AST systems shall ensure that overfill prevention equipment required in 20.5.4.33 NMAC is maintained and fully operational at all times. In order to ensure the equipment meets these requirements, owners and operators shall no later than [XX/XX/2019] and every three years~~,~~ thereafter~~,~~ have the overfill prevention equipment inspected or tested and shall meet the following:

(1) The inspection shall verify the equipment meets the requirements in 20.5.4.33 NMAC, and if the equipment fails to meet these requirements, it shall be repaired, replaced, or re-installed. The repair, replacement, or re-installation shall be in accordance with the manufacturer's instructions or 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;

(2) Drop tube style overfill prevention equipment shall be removed from the tank for the inspection;

(3) Owners and operators shall ensure the inspections or tests are performed in accordance with the methods and procedures listed in either the Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities," or those developed and published by the equipment manufacturer;

(4) If more than one type of overfill prevention equipment is installed on an AST, owners and operators shall ensure that none of them will interfere with the proper operation of any of the others; and

(5) A report shall be produced which includes the results of the inspection, and the report shall be maintained in accordance with the requirements in 20.5.5.22 NMAC. The report shall be submitted to the department in accordance with the requirements in Subsection G of 20.5.5.21 NMAC. At a minimum the report shall comply with one of the following:

(a) UST Overfill Equipment Inspection, Automatic Shutoff Device, and Ball Float Valve form in Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities~~,~~"; or

(b) Overfill Alarm Operational Inspection Form in Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities."

H. Owners and operators shall report, investigate, and clean up any spills and overfills in accordance with 20.5.7 NMAC.

I. Oil/water separators installed to meet spill prevention requirements that are not regulated under the Clean Water Act or another program within the department shall either be tested every three years or monitored every 30 days as follows:

(1) Testing shall be conducted in accordance with the requirements in 20.5.5.14.C NMAC; or

(2) Monthly monitoring shall be conducted in accordance with the requirements of an applicable UST monthly monitoring method listed in 20.5.6 NMAC. Monthly monitoring shall be documented and the records shall be maintained in accordance with 20.5.5.22 NMAC.

J. Owners and operators of storage tank systems that meet the requirements for temporary closure shall meet the requirements for spill and overfill prevention equipment in 20.5.8 NMAC.

K. Owners and operators of storage tank systems shall ensure that a certified tester tests spill and overfill prevention equipment as required in this section. The requirements for certified testers can be found in 20.5.14 NMAC.

[20.5.5.14 NMAC - Rp, 20.5.5.500 NMAC, 04/04/2008]

20.5.5.15 OPERATION AND MAINTENANCE OF CORROSION PROTECTION: Owners and operators of ~~steel~~ metal storage tank systems with any ~~steel~~ metal tank or piping with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented ~~for as long as~~until the storage tank system is ~~used to store regulated substances~~permanently closed or undergoes a change-in-service pursuant to 20.5.8.10 NMAC.

A. Owners and operators shall operate and maintain corrosion protection systems to continuously provide corrosion protection to all metal components of the system that routinely contain regulated substances and are in contact with ~~the~~an electrolyte, to include~~ing~~ ~~ground~~ soil or water. Owners and operators shall operate and maintain corrosion protection systems in accordance with 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. One of ~~T~~the following ~~may~~ shall be used to comply with this requirement:

(1) Steel Tank Institute, "Specification for Sti-P3 System of External Corrosion Protection of Underground Steel Storage Tanks~~;~~";

(2) U~~u~~nderwriters L~~l~~aboratories S~~s~~tandard 1746, "E~~e~~xternal C~~c~~orrosion P~~p~~rotection S~~s~~ystem for S~~s~~teel U~~u~~nderground S~~s~~torage T~~t~~anks~~;~~";

(3) U~~u~~nderwriters' L~~l~~aboratories of Canada CAN4-S603-N85, "S~~s~~tandard for S~~s~~teel U~~u~~nderground T~~t~~anks for F~~f~~lammable and C~~c~~ombustible L~~l~~iquids~~;~~";

(4) U~~u~~nderwriters' L~~l~~aboratories of Canada CAN4-G03.1-M85, "S~~s~~tandard for G~~g~~alvanic C~~c~~orrosion P~~p~~rotection S~~s~~ystems for U~~u~~nderground T~~t~~anks for F~~f~~lammable and C~~c~~ombustible L~~l~~iquids~~;~~";

(5) U~~u~~nderwriters' L~~l~~aboratories of Canada CAN4-S631-M84, "I~~i~~solating B~~b~~ushings for S~~s~~teel U~~u~~nderground T~~t~~anks P~~p~~rotected with C~~c~~oatings and G~~g~~alvanic S~~s~~ystems~~;~~";

(6) NACE International Standard Practice SP 0285, "External Control of Underground Storage Tank Systems by Cathodic Protection";~~national association of corrosion engineers international standard RP0-0285, "corrosion control of underground storage tanks systems by cathodic protection;"~~ or

(7) U~~u~~nderwriters L~~l~~aboratories S~~s~~tandard 58, "S~~s~~tandard for S~~s~~afety for S~~s~~teel U~~u~~nderground T~~t~~anks for F~~f~~lammable and C~~c~~ombustible L~~l~~iquids."

B. Owners and operators shall ensure that all storage tank systems equipped with cathodic protection are inspected for proper operation by a qualified corrosion expert in accordance with the following requirements:

(1) F~~f~~requency: owners and operators shall test all cathodic protection systems within six months of installation and at least every three years thereafter or according to another reasonable time frame approved in advance in writing by the department; ~~and~~

(2) I~~i~~nspection criteria: the criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with 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;

(3) Owners and operators of storage tank systems shall provide the department a report on the cathodic protection system test that includes the following:

(a) Name of facility and facility address;

(b) Name of the technician who performed the test;

(c) Certification of the technician in the type of test performed, including~~ed~~ certification numbers, national association where the certification was obtained, and expiration date of the certification;

(d) Description of cathodic protection system, for example impressed current, galvanic;

(e) Description of storage tank system including tank ID number, product, capacity, tank type, piping, flex connectors;

(f) Type of test conducted, such as: routine three year test; test within six months of installation; test within six months after repair or modification; test within three months after failed test;

(g) Tester's pass/fail evaluation and actions to be taken after evaluation;

(h) Facility ~~site~~ drawing of the storage tank system and cathodic protection system, indicating location of test points on the storage tank system, cathodic protection test stations, and reference electrode placement; and

(i) Description of cathodic protection system repair or modification.

(4) Owners and operators of storage tank systems shall provide the department a report on impressed current systems that includes all requirements listed in 20.5.5.15.B(3) and;

(a) Rectifier manufacturer, model, serial number, rated direct current output voltage and amperage;

(b) Rectifier tap settings, direct current output voltage and amperage, and hour meter reading;

(c) Description of structure tested, contact point of test lead, and reference electrode placement;

(d) Structure to soil potential with current applied~~, voltage ON~~ in millivolts;

(e) Structure to soil potential with current interrupted, instant OFF ~~voltage~~ in millivolts;

(f) 100 millivolts polarization shift, end voltage and voltage change; and

(g) Test results.

(5) Owners and operators of storage tank systems shall provide the department a report on galvanic systems that includes all requirements listed in 20.5.5.15.B(3) and:

(a) Description of structure tested, contact point of test lead, and reference electrode placement;

(b) Structure to soil potential measured locally in millivolts;

(c) Structure to soil potential measured remotely in millivolts; and

(d) Test results.

(6) One of the following ~~may~~ shall be used to comply with this requirement:

~~(a) national association of corrosion engineers international RP0285, "corrosion control of underground storage tank systems by cathodic protection;"~~

(a~~b~~) N~~n~~ational F~~f~~ire P~~p~~rotection A~~a~~ssociation 30, "F~~f~~lammable and C~~c~~ombustible L~~l~~iquids C~~c~~ode~~;~~";

(b~~e~~) N~~n~~ational F~~f~~ire P~~p~~rotection A~~a~~ssociation 30A "C~~c~~ode for M~~m~~otor F~~f~~uel D~~d~~ispensing F~~f~~acilities and R~~r~~epair G~~g~~arages~~;~~";

(c~~d~~) American P~~p~~etroleum I~~i~~nstitute P~~p~~ublication RP 1615, "I~~i~~nstallation of U~~u~~nderground P~~p~~etroleum S~~s~~torage S~~s~~ystems~~;~~";

(d~~e~~) American P~~p~~etroleum I~~i~~nstitute P~~p~~ublication RP 1632, "C~~c~~athodic P~~p~~rotection of U~~u~~nderground P~~p~~etroleum S~~s~~torage T~~t~~anks and P~~p~~iping S~~s~~ystems~~;~~";

~~(f) national association of corrosion engineers international RP0169, "control of external corrosion on underground or submerged metallic piping systems;" or~~

(e~~g~~) I~~i~~nternational C~~c~~ode C~~c~~ouncil, "I~~i~~nternational F~~f~~ire C~~c~~ode~~.~~";

(f~~h~~) NACE International Test Method TM 0101, "Measurement Techniques Related to Criteria for Cathodic Protection of Underground Storage Tank Systems";

(g~~i~~) NACE International Test Method TM0497, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems";

(h~~j~~) Steel Tank Institute Recommended Practice R051, "Cathodic Protection Testing Procedures for STI-P3® USTs";

(i~~k~~) NACE International Standard Practice SP 0285, "External Control of

Underground Storage Tank Systems by Cathodic Protection"; or

(j~~i~~) NACE International Standard Practice SP 0169, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems."

C. Owners and operators shall inspect storage tank systems with impressed current cathodic protection systems every 60 days to ensure the equipment is running properly. Owners and operators shall record the date, time, readings and results of each inspection in a log kept at the facility, and indicate who performed each inspection.

D. For storage tank systems using cathodic protection, owners and operators shall maintain records of the operation of the cathodic protection in accordance with 20.5.5.22~~19~~ NMAC to demonstrate compliance with the performance standards in this section. These records shall provide the following:

(1) the results of the last three inspections required in Subsection C of this section; and

(2) the results of testing from the last two inspections required in Subsection B of this section.

[20.5.5.15 NMAC - Rp, 20.5.5.501 NMAC, 04/04/2008]

[The department provides an optional form that may be used for the cathodic protection system test report required in Subsection B. The form is available on the department's website, https://www.env.nm.gov/ust/ustbtop.html, ~~www.env.nm.gov~~ or by contacting the Petroleum Storage Tank Bureau at 505-476-4397 or 2905 Rodeo Park Drive East, Building 1~~B~~, Santa Fe, New Mexico 8750~~7~~5.]

20.5.5.16 OPERATION AND MAINTENANCE OF CONTAINMENT SUMPS FOR AST SYSTEMS:

A. Owners and operators shall maintain all containment sumps (including but not limited to turbine sumps, under dispenser sumps, and transition sumps) and draw off liquid that has accumulated in the containment sumps within one week of the accumulation, and shall remove any other debris that has accumulated inside the containment sumps. Owners and operators shall properly treat and dispose of any accumulated liquid with a visible sheen. If gravity drain valves are used to remove accumulated liquid from the containment sumps, owners and operators shall keep all valves closed except during the process of draining the accumulated liquid.

B. In order to maintain the highest level of secondary containment in case of a discharge from, or an overfill of, an AST system, owners and operators shall keep the containment sumps and basin sumps free of water, regulated substances, and debris.

C. Owners and operators shall maintain all containment sumps associated with interstitial monitoring of underground piping; the sumps shall be liquid tight and kept free of water. Containment sumps shall be periodically monitored and no later than XX/XX/2019 and every three years thereafter, the integrity of the containment sumps shall be tested as follows:

(1) Hydrostatic or vacuum test methods shall be conducted in accordance with one of the following:

(a) The equipment manufacturer's developed and published testing requirements;

(b) Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities"; or

(c) Hydrostatic test methods using a test apparatus developed specifically for testing containment sumps shall comply with one of the following:

(i) Protocols developed by the manufacturer of the test apparatus and the certification as listed on the web site of the National Work Group on Leak Detection Evaluation ;

(ii) Protocols developed and published by the manufacturer of the containment sump; or

(iii) Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities."

(2) The sump shall be continuously monitored by the installation and use of an electronic sump sensor that shall be functionality tested every 12 months;

(3) Double-walled containment sumps shall be either continuously monitored by use of interstitial monitoring with annual functionality testing of the sensor or integrity tested every 3 years in accordance with 20.5.5.16.C(1) NMAC; and

(4) All sensors used to monitor containment sumps shall sound an alarm and automatically shut off the submersible turbine pump or close the solenoid valve on a suction piping system if liquid is detected in

the sump.

D. A report shall be produced which includes the results of the testing, and the report shall be submitted in accordance with 20.5.5.21 NMAC and maintained in accordance with the requirements in 20.5.5.22 NMAC. At a minimum the report shall comply with one of the following:

(1) For hydrostatic testing, use Containment Sump Integrity Test and Hydrostatic Test Method form in Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities."

(2) For vacuum testing, the report must contain the following:

(a) facility name, address, contact person's name and telephone number;

(b) owner and operator's name, address, and phone number;

(c) name of company or person conducting the test or inspection, address, and telephone number;

(d) date testing occurred, duration of test, vacuum applied in either inches of water column or mercury, pass/fail criteria, and the results of the test.

E. Owners and operators of storage tank systems shall ensure that a certified tester tests containment sumps as required in this section. The requirements for certified testers can be found in 20.5.14 NMAC.

F. Owners and operators of storage tank systems shall dispose of water or other test media used in testing of components of petroleum storage tank systems, or any accumulated liquid with a visible sheen, and the disposal shall be in accordance with all federal, state, and local statutes, ordinances, and regulations. Owners and operators who temporarily store the test media or water on-site shall do so in accordance with all federal, state, and local statutes, ordinances, and regulations.

20.5.5.17 OPERATION AND MAINTENANCE OF CONTAINMENT SUMPS FOR UST SYSTEMS:

A. Owners and operators shall maintain all containment sumps (including but not limited to turbine sumps, under dispenser sumps, and transition sumps) and draw off liquid that has accumulated in the containment sumps within one week of the accumulation, and shall remove any other debris that has accumulated inside the containment sumps. Owners and operators shall properly treat and dispose of any accumulated liquid with a visible sheen and the disposal shall be in accordance with all federal, state, and local statutes, ordinances, and regulations.

B. Owners and operators shall maintain all containment sumps associated with interstitial monitoring of underground piping; the sumps shall be liquid tight and kept free of water. Owners and operators of UST systems with containment sumps shall have the integrity of the sump tested no later than XX/XX/2019 and every three years, in accordance with the following:

(1) Hydrostatic or other test methods shall be conducted in accordance with one of the following:

(a) the equipment manufacturer's developed and published testing requirements; or

(b) Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities";

(2) Hydrostatic test methods using a test apparatus developed specifically for testing containment sumps shall comply with one of the following:

(a) protocols developed by the manufacturer of the test apparatus and the certification as listed on the web site of the National Work Group on Leak Detection Evaluation; or

(b) protocols developed and published by the manufacturer of the containment sump; or

(c) Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities," or

C. Double-walled containment sumps shall be either continuously monitored by use of interstitial monitoring with annual functionality testing of the sensor, or integrity tested every three years in accordance with 20.5.5.17.B(1) NMAC.

D. All sensors used to monitor containment sumps shall be functionality tested annually and shall sound an alarm and automatically shut off the submersible turbine pump or close the solenoid valve on a suction piping system if liquid is detected in the sump.

E. A report shall be produced which includes the results of the testing and the report shall be submitted

in accordance with 20.5.5.21 NMAC and maintained in accordance with the requirements in 20.5.5.22 NMAC. At a minimum the report shall meet one of the following:

(1) For hydrostatic testing, use the Containment Sump Integrity Test and Hydrostatic Test Method form in Petroleum Equipment Institute RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities," or

(2) For other testing, the report at a minimum shall contain the following:

(a) facility name, address, contact person's name and telephone number;

(b) owner and operator's name, address, and phone number;

(c) name of company or person conducting the test or inspection, address, and telephone number;

(d) date testing occurred, duration of test, test parameters, pass/fail criteria, and the results of the test.

F. Owners and operators of storage tank systems shall ensure that a certified tester tests containment sumps as required in this section. The requirements for certified testers can be found in 20.5.14 NMAC.

G. Owners and operators of storage tank systems shall dispose of water or other test media used in testing of components of petroleum storage tank systems, or any accumulated liquid with a visible sheen, and the disposal shall be in accordance with all federal, state, and local statutes, ordinances, and regulations. Owners and operators who temporarily store the test media or water on-site shall do so in accordance with all federal, state, and local statutes, ordinances, and regulations.

20.5.5.18 PERIODIC OPERATION AND MAINTENANCE WALK-THROUGH INSPECTIONS:

A. Owners and operators shall conduct walk-through inspections that, at a minimum, checks equipment as specified below:

(1) Every 30 days:

(a) for spill and overfill prevention equipment:

(i) visually check all spill and overfill prevention equipment for damage;

(ii) remove liquid or debris;

(iii) check for and remove obstructions in the fill pipe;

(iv) check the fill cap to make sure it is securely on the fill pipe; and

(v) for double walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area; and

(vi) check overfill prevention equipment for proper operation and determine whether maintenance is required.

(b) For release detection equipment:

(i) check to make sure the release detection equipment is operating with no alarms or other unusual operating conditions present; and

(ii) ensure records of release detection testing are reviewed and current.

(c) For containment sumps:

(i) visually check the containment sump for damage, leaks into the containment area, and releases to the environment;

(ii) remove liquid and debris in containment sumps; and

(iii) for double walled sumps with interstitial monitoring, check for a leak in the interstitial area.

(2) Prior to each delivery: check spill prevention equipment on storage tank systems receiving deliveries at intervals greater than every 30 days.

(3) Annually: check hand held release detection equipment, such as, but not limited to, tank gauge sticks or groundwater bailers for operability and serviceability;

B. Owners and operators shall conduct these walk-through inspections in accordance with one of the following:

(1) Petroleum Equipment Institute Recommended Practice RP 900, "Recommended Practices for the Inspection and Maintenance of UST Systems";

(2) ~~T~~the current edition of a national code of practice or standard developed by a nationally recognized association or independent testing laboratory that checks equipment included in 20.5.5.18.A NMAC; or

(3) ~~——~~a checklist developed by the department.

C. Owners and operators must maintain records of operation and maintenance walkthrough

inspections in accordance with 20.5.5.22 NMAC. Records must include a list of each area checked, whether each area checked was acceptable or needed action taken, a description of actions taken to correct an issue, and delivery records if spill prevention equipment is checked less frequently than every 30 days due to infrequent deliveries.

20.5.5.19 COMPATIBILITY: Owners and operators shall use a storage tank system made of or lined with materials that are compatible with the substance stored in the storage tank system.

A. Owners and operators must notify the department at least 30 days prior to changing the substance in any of their tanks to a regulated substance containing greater than 10 percent ethanol, greater than 20 percent biodiesel, or any other regulated substance identified by the department. ~~Owners and operators storing alcohol blends shall use 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. The following may be used to comply with this requirement:~~

~~A. American petroleum institute publication RP1626, "*storing and handling ethanol and gasoline ethanol blends at distribution terminals and service stations;*" or~~

~~B. American petroleum institute publication RP 1627, "*storage and handling of gasoline methanol/cosolvent blends at distribution terminals and service stations.*"~~

B. In addition, owners and operators with storage tank systems storing these regulated substances must meet one of the following:

(1) demonstrate compatibility of the storage tank system (including the tank, piping, containment sumps, pumping equipment, release detection equipment, spill equipment, and overfill equipment). Owners and operators may demonstrate compatibility of the storage tank system by using one of the following options:

(a) certification or listing of storage tank system equipment or components by a nationally recognized, independent testing laboratory for use with the regulated substance stored; or

(b) equipment or component manufacturer approval. The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility, specify the range of biofuel blends the equipment or component is compatible with, and be from the equipment or component manufacturer.

(2) for storage tank system or system components that contain, but are not compatible with, one of the regulated substances listed in 20.5.5.19.A NMAC, or for those storage tank systems where compatibility cannot be determined, remove all regulated substances from the tank system by the effective date of these regulations and comply with one of the following:

(a) replace the storage tank system or system components in accordance with the requirements for a new storage tank system in 20.5.4 NMAC; or

(b) repair the storage tank system prior to putting the tank back in service in accordance with one of the following:

(i) install an internal lining in the tank in accordance with the requirements in 20.5.4.13.E NMAC;

(ii) comply with tank or equipment manufacturer's instructions; or

(iii) comply with the requirements for repairs in 20.5.5.20~~17~~ NMAC;

(c) change the regulated substance stored to one that is compatible with the storage tank system; or

(d) permanently close the storage tank system in accordance with the permanent closure requirements in 20.5.8 NMAC if the storage tank system cannot be repaired.

(3) u~~U~~se another option determined by the department to be no less protective of human health and the environment than the options listed in this section.

C. Owners and operators must maintain records documenting compliance with this section for as long as the storage tank system is used to store the regulated substance.

D. Owners and operators shall use 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 to comply with the compatibility requirements of this section. American Petroleum Institute Recommended Practice RP1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Filling Stations," shall be used to comply with the requirements of this section as they pertain to storage of ethanol blends.

[20.5.5.16 NMAC - Rp, 20.5.5.502 NMAC, 04/04/2008]

20.5.5.2017 REPAIRS, REPLACEMENTS AND MODIFICATIONS: Owners and operators of a storage tank system shall ensure that repairs, replacements, and modifications will prevent releases due to structural failure or corrosion as long as the storage tank system is used to store regulated substances.

A. Determining whether repair, replacement or modification is necessary. Owners and operators shall determine whether a repair, replacement or modification to a storage tank system is necessary in consultation with a department inspector, after providing notice required by this part.

(1) If owners and operators are repairing, replacing or modifying piping of any kind that is connected to a storage tank, the determination shall be made during an on-site inspection that provides the inspector the opportunity to view the piping while it is exposed.

(2) If, during an on-site inspection, the inspector determines that:

(a) any steel piping connected to a tank indicates corrosion;

(b) any rigid fiberglass reinforcednon-corrodible piping connected to a tank shows signs of deterioration or failure; or

(c) any flexible piping connected to a tank shows any signs of deterioration or failure,

(3) Then the owner and operator shall replace all piping connected to that tank, and shall inspect all other piping at the same facility that is made of the same material to determine its condition prior to returning the facility to operation.

B. Owners and operators shall properly conduct repairs, replacements and modifications to storage tank systems in accordance with 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, and in accordance with the manufacturer's instructions and recommended practices. One of Tthe following may shall be used to comply with this requirement:

(1) Nnational Ffire Ppprotection Aassociation Standard 30, "Fflammable and Ccombustible Lliquids Ccode;";

(2) American Ppetroleum Iinstitute Recommended Practice publication RP 2200, "Rrepairing Ccrude Ooil, Lliquified Ppetroleum Ggas, and Ppproduct Ppipelines;";

(3) American Ppetroleum Iinstitute Recommended Practice publication RP 1631, "Iinterior Llining and Ppperiodic Iinspection of Uunderground Sstorage Ttanks,";

(4) Nnational Lleak Pprevention Aassociation Sstandard 631, "spill prevention, minimum 10 year life extension of existing steelChapter A, "Entry, Cleaning, Interior Inspection, Repair, and Lining of Uunderground Storage tTanks by lining without the addition of cathodic protection;";

(5) Nnational Ffire Pprotection Aassociation 30A, "Ccode for Mmmotor Ffuel Ddispensing Ffacilities and Rrepair Ggarages";"

(6) Ppetroleum Eequipment Iinstitute Ppublication RP200, "Rrecommended Ppractices for Iinstallation of Aabove Gground Sstorage SSystems for Mmmotor Vvehicle Ffueling;";

(7) American Ssociety for Ttesting and Mmmaterials ES40, "Eemergency Sstandard Ppractice for Aalternative Pprocedures for the Aassessment of Bburied Ssteel Ttanks Pprior to the Aaddition of Ccathodic Pprotection;";

(8) American Ppetroleum Iinstitute 570, "Ppiping Iinspection Ccode: Iinspection, Rrepair, Aalteration and Rrerating of Iin-Sservice Ppiping Ssystems";"

(9) American Ppetroleum Iinstitute Sstandard 653, "Ttank Iinspection, Rrepair, Aalteration, and Rreconstruction;";

(10) American Ssociety of Mmmechanical Eengineering Sstandard B31.1, "Pprocess Ppiping;"; or

(11) Iinternational Ccode Ccouncil, ""Iinternational Ffire Ccode."";

(12) Steel Tank Institute Recommended Practice R972, "Recommended Practice for the Addition of Supplemental Anodes to STI-P3® Tanks";

(13) NACE International Standard Practice SP 0285, "External Control of Underground Storage Tank Systems by Cathodic Protection";

(14) Fiberglass Tank and Pipe Institute Recommended Practice T-95-02, "Remanufacturing of Fiberglass Reinforced Plastic (FRP) Underground Storage Tanks";

(15) Petroleum Equipment Institute Publication RP100 "Recommended Practices for the Installation of Underground Storage Tank Systems for Motor Vehicle Fueling";

(16) Petroleum Equipment Institute Publication RP800 "Recommended Practices for Installation of Bulk Storage Plants;";

(17) Petroleum Equipment Institute Publication RP1000 "Recommended Practices for the Installation of Marina Fueling Systems~~:~~";

(18) Petroleum Equipment Institute Publication RP1300 "Recommended Practices for the Design, Installation, Service, Repair, and Maintenance of Aviation Fueling Systems"; or

(19) 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."

C. Owners and operators shall not internally line ASTs as a means of repair.

D. Owners and operators shall tightness test a storage tank system that has been replaced, modified or repaired, prior to returning the system to service, in accordance with 20.5.6.15 and 20.5.6.10 NMAC and 20.5.6.23 NMAC except as provided below:

(1) the repaired or modified tank is internally inspected in accordance with the current edition of an industry standard or code of practice approved in advance by the department;

(2) the repaired or modified portion of the storage tank system is monitored monthly for releases in accordance with a method specified in 20.5.6.16, 17, 18, 19, 20, 21, or 22 NMAC; or

(3) owners and operators shall use an equivalent test method, which complies with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department.

E. The following codes of practice shall be used to comply with paragraph (D) of this section.

(1) Steel Tank Institute Recommended Practice R012, "Recommended Practice for Interstitial Tightness Testing of Existing Underground Double Wall Steel Tanks"; or

(2) Fiberglass Tank and Pipe Institute Protocol, "Field Test Protocol for Testing the Annular Space of Installed Underground Fiberglass Double and Triple-Wall Tanks with Dry Annular Space";

(3) Petroleum Equipment Institute Recommended Practice RP 1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment of UST Facilities."

F~~E~~. Upon completion of a modification or repair of any cathodically protected storage tank system, owners and operators shall test the cathodic protection system in accordance with Subsections B and C of 20.5.5.15 NMAC to ensure that it is operating properly.

G~~F~~. Owners and operators of a storage tank system shall maintain records of each repair, replacement and modification ~~for the remaining operating life of~~until the storage tank system ~~that demonstrate compliance with the requirements of this section~~is permanently closed or undergoes a change-in-service pursuant to 20.5.8.10 NMAC.

~~G~~H. Owners and operators shall repair an above ground storage tank if an internal inspection determines that a release is occurring or that the tank bottom or shell thickness is below minimum thickness requirements. Owners and operators shall keep the records of internal inspections for the life of the tank. Minimum thickness requirements shall be determined by one of the following:

(1) manufacturer's specifications;

(2) 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; or

(3) minimum thickness for the tank bottom shall never be less than one half of the original bottom plate thickness and minimum thickness for the tank shall never be less than 0.1 inch.

I~~H~~. Owners and operators shall meet all applicable installation requirements of 20.5.4 NMAC, including testing requirements, when repairing, replacing or modifying a storage tank system involves installing new components. If any tank or piping of a tank system is replaced, owners and operators shall follow all requirements for properly assessing the site for contamination in compliance with 20.5.8 NMAC prior to installing the new components.

J~~I~~. Repairs to secondary containment areas of tanks and piping used for interstitial monitoring and to containment sumps used for interstitial monitoring of piping must have the secondary containment tested for tightness according to the manufacturer's instructions, a code of practice developed by a nationally recognized association or independent testing laboratory, or according to requirements established by the implementing agency within 30 days following the date of completion of the repair.

K~~J~~. Within 30 days following any repair to spill or overfill prevention equipment, the repaired spill or overfill prevention equipment must be tested or inspected, as appropriate, in accordance with 20.5.5.14 NMAC to ensure it is operating properly.

[20.5.5.17 NMAC - Rp, 20.5.5.503 NMAC, 04/04/2008]

20.5.5.2118 REPORTING: Owners and operators of a storage tank system shall cooperate fully with inspections, monitoring and testing conducted by the department, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to Section 9005 of Subtitle I of the federal ~~Resource Conservation and Recovery Act~~Solid Waste Disposal Act, as amended. Owners and operators shall submit the following information to the department:

A. registration for all storage tank systems in accordance with 20.5.2 NMAC, which includes certification of installation for new UST and AST systems in accordance with Subsection C of 20.5.4.37 NMAC;

B. reports of all releases in accordance with 20.5.2 NMAC and the requirements in 20.5.7 NMAC for reporting suspected releases, spills and overfills and confirmed releases;

C. corrective actions planned or taken as required by 20.5.12 and 20.5.13 NMAC;

D. notification before storage tank system installation, replacement, repair or modification in accordance with 20.5.5 NMAC;~~,~~ ~~and~~ notification when any person assumes ownership of a storage tank system in accordance with 20.5.2 NMAC and notification before permanent closure or change-in-service in accordance with 20.5.8 NMAC; it may not be feasible for owners and operators to provide advance notice of emergency repairs; however, owners and operators shall provide notice of emergency repairs as soon as possible after completing emergency repairs; ~~and~~

E. notification prior to storage tank systems changing to certain regulated substances in accordance with- 20.5.5.19.A NMAC;

~~E~~F. updated project drawings for any addition, replacement or modification of a storage tank system; and~~.~~

G. all testing and inspection reports required in 20.5.5.14 NMAC within sixty days of completion of the testing or inspection. Owners and operators shall report any failed test or inspection to the department within 24 hours of completion of the test or inspection.

[20.5.5.18 NMAC - Rp, 20.5.5.504 NMAC, 04/04/2008]

20.5.5.2219 RECORD KEEPING:

A. Owners and operators shall maintain the following information for the life of the storage tank system:

(1) a corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used, in accordance with 20.5.4.12 NMAC and 20.5.4.22 NMAC;

(2) documentation of operation of corrosion protection equipment that demonstrate compliance with 20.5.5.15 NMAC;

(3) documentation of storage tank system repairs, replacements and modifications that demonstrate compliance with 20.5 NMAC;

(4) ~~recent~~ documentation of compliance with release detection requirements in accordance with 20.5.6 NMAC;

~~(5) results of the site investigation conducted at permanent closure in accordance with 20.5.8 NMAC;~~

(6) inspection logs required by 20.5.5 NMAC and 20.5.6 NMAC;

(7) tank tightness, internal inspection and integrity test documents required by 20.5 NMAC;

(8) any document approving any alternate method; ~~and~~

~~(9) any other record or written approval required in 20.5 NMAC;.~~

(910) spill and overfill prevention equipment testing/inspection records;

(1011) containment sump testing records;

(1112) documentation of compatibility for UST systems;

(1213) documentation of compliance for spill and overfill prevention equipment and containment sumps used for interstitial monitoring of piping;

(1314) documentation of periodic walkthroughs;

(1415) documentation of operator training in accordance with 20.5.18.17 NMAC; ~~and~~

(1516) the operation and maintenance plan and related documentation as required by 20.5.5.9 NMAC; and~~.~~

(16) any other record or written approval required in 20.5 NMAC.

B. Availability and maintenance of records. Owners and operators shall keep the required records for the operational life of a tank, piping and tank system either:

(1) at the storage tank site and immediately available for inspection by the department; or

(2) at a readily available alternative site and the records shall be provided for inspection to the department upon request; if records are not available at a site during inspection, owners and operators shall ~~mail or~~ send ~~by facsimile transmission~~ to the inspector within 10 working days all records requested by the inspector.~~;~~

C. Owners and operators shall maintain

~~(3) in the case of~~ permanent closure records required under 20.5.8 NMAC.~~,~~ ~~o~~Owners and operators are also provided with the additional alternative of mailing closure records to the department if they cannot be kept at the site or an alternative site as indicated above.

D.~~C~~. If the owner and operator of a storage tank are separate persons, only one person is required to comply with the requirements of this section; however, both parties are liable in the event of noncompliance.
[20.5.5.19 NMAC - Rp, 20.5.5.504 NMAC, 04/04/2008]

20.5.5.23~~20~~ INSPECTIONS, MONITORING AND TESTING:

A. For the purpose of enforcing the provisions of these regulations, all owners and operators of storage tanks shall, upon the request of the secretary or authorized department representatives, furnish information relating to such tanks, including tank equipment and contents, conduct monitoring or testing, and permit any department representative at all reasonable times to have access to, and to copy all records relating to such tanks. Owners and operators shall comply with all applicable and appropriate Occupational Health and Safety Act requirements, NMSA 1978, Sections 50-9-1 through 50-9-25, so that storage tanks may be safely inspected. For the purpose of enforcing these regulations, department officers, employees, or representatives are authorized to:

(1) enter at reasonable times any establishment or place where a storage tank is located;

(2) inspect the storage tank system and obtain samples of its contents; and

(3) conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water, or groundwater.

B. The department shall commence and complete each inspection with reasonable promptness. If the secretary or department representative obtains any samples, prior to leaving the premises he shall give to the owner, operator or agent in charge a receipt describing the sample obtained and, if requested, a portion of each sample equal in volume or weight to the portion retained. If any analysis is made of the samples, a copy of the results of the analysis shall be furnished promptly to the owner, operator or agent in charge.

C. Owners and operators shall permit the department or authorized department representative to be present at and inspect all storage tank system installations, replacements, repairs, substantial modifications, installations of leak detection systems and storage tank system closures.
[20.5.5.20 NMAC - Rp, 20.5.5.505 NMAC, 04/04/2008]

20.5.5.24~~21~~ REQUIRED NOTIFICATION PRIOR TO REPLACEMENT, REPAIR AND MODIFICATION: To ensure that an inspector has an opportunity to be present during the steps in procedures which are important to the prevention of releases, owners, operators, and certified tank installers shall give the department notice of the dates on which critical junctures in the replacement, repair, and modification of the storage tank system are to take place. Notice need not be provided for normal maintenance. The inspector may require that critical junctures be performed from Monday through Friday during regular business hours.

A. For replacements, modifications (including internal lining or changes to cathodic protection systems), and repairs, the term "critical junctures" means:

(1) completion of the excavation of existing tanks or piping;

(2) actual performance of the repair, lining or modification;

(3) any time during the project in which components of piping are connected; ~~and~~

(4) any time during the project in which a tank, ~~or~~ its associated piping, spill prevention equipment, or secondary containment sumps are ~~is~~ tested; and

(5) any time during the project when overfill prevention equipment is inspected to ensure it meets the requirements in 20.5.4.33 NMAC.

B. Owners, operators and certified tank installers shall give at least 30 days written notice before the replacement, modification or repair of a storage tank system. It may not be feasible for owners, operators, and certified tank installers to provide advance notice of emergency repairs; however, owners, operators, and certified tank installers shall provide notice of emergency repairs as soon as possible after completing emergency repairs. At a minimum, the notice for replacements, modifications, and repairs shall contain the following information:

(1) date the form is completed;

(2) facility name, number, address (with county), and telephone number;

(3) owner name, number, address, and telephone number;
(4) contractor name, address, and telephone number;
(5) description of type of replacement, modification or repair to be performed (such as spill containment, overspill prevention, release detection, piping or other);
(6) expected date on which replacement, modification or repair will be performed;
(7) whether any part of the system is within 1,000 feet of a community water system or a potable drinking water well; and
(8) signature of owner, operator or an authorized representative.

C. In addition to the written notices described in this section, owners, operators and certified tank installers shall give oral notice at least 24 hours in advance of the commencement of the procedure. In the oral notice, owners, operators and certified tank installers shall describe any changes to the 30-day written notice required in Subsection B of this section, such as different equipment or installation methods.

D. If owners, operators and certified tank installers are separate persons, only one person is required to comply with the notice requirements of this section; however, all parties are liable in the event of noncompliance.
[20.5.5.21 NMAC - Rp, 20.5.5.505 NMAC, 04/04/2008]
[The bureau provides an optional form that may be used for notification of replacement, repair and modification. The form is available on the department's website, https://www.env.nm.gov/ust/ustbtop.html, ~~www.nmenv.state.nm.us~~ or by contacting the Petroleum Storage Tank Bureau at 505-476-4397 or 2905 Rodeo Park Drive East, Santa Fe, NM 87505. ~~1301 Siler Road, Building B, Santa Fe, New Mexico 87507.~~]

20.5.5.25~~22~~ DEPARTMENT REVIEW AND APPROVAL OF PLANS, INSTALLATION, OPERATION, AND MAINTENANCE: Owners and operators shall view any inspection, review or approval by the department as permission to proceed in accordance with all applicable rules, codes and standards. Review and approval by the department shall not relieve any owner, operator, or certified tank installer of his responsibility for compliance. If the department overlooks any deficiencies or violations in the course of plan review or inspection provided in 20.5 NMAC, the department may later require correction and compliance.
[20.5.5.22 NMAC - N, 04/04/2008]

20.5.5.26~~23~~ ALTERNATE METHODS:

A. If owners and operators want to operate, maintain, replace, repair or modify any part of a storage tank system 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 to operate, maintain, replace, repair or modify the system, 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, number, address (with county) and telephone number;
(3) owner name, 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. The department shall not grant the request unless owners and operators demonstrate that the request will provide equivalent protection of public health, safety and welfare and the environment.
[20.5.4.23 NMAC - N, 04/04/2008; A, 03/17/2012]
[The bureau provides an optional form that may be used for notification of replacement, repair and modification. The form is available on the department's website, https://www.env.nm.gov/ust/ustbtop.html, ~~www.nmenv.state.nm.us~~ or by contacting the Petroleum Storage Tank Bureau at 505-476-4397 or 2905 Rodeo Park Drive East, Building 1, Santa Fe, NM 87505. ~~1301 Siler Road, Building B, Santa Fe, New Mexico 87507.~~]