

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 5 PETROLEUM STORAGE TANKS
PART 102 REGISTRATION OF TANKS

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

20.5.102.2 SCOPE: This part applies to any owner and operator of a storage tank as provided in 20.5.101 NMAC. This part also applies to owners and operators of AST systems with capacities of 55,000 gallons or more associated with airport hydrant fuel distribution systems and owners and operators of AST systems with capacities of 55,000 gallons or more associated with UST systems with field-constructed tanks as these terms are defined in 20.5.101 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, reporting and payment requirements; however, both parties are liable in the event of noncompliance.
[20.5.102.2 NMAC - N, 07/24/2018]

20.5.102.3 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.
[20.5.102.3 NMAC - N, 07/24/2018]

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

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

20.5.102.6 OBJECTIVE: The purpose of this part is to regulate storage tank systems in order to protect the public health, safety and welfare and the environment of the state.
[20.5.102.6 NMAC - N, 07/24/2018]

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

20.5.102.8 TO 20.5.102.199 [RESERVED]

20.5.102.200 EXISTING TANKS:

A. The owner of any underground storage tank, as those terms are defined in 20.5.101 NMAC, must have registered such tank or tanks with the petroleum storage tank bureau of the department within three months after April 14, 1988, the effective date of this part as first adopted, except that any owner who has filed the form of notice entitled "notification for underground storage tanks," prescribed by the United States environmental protection agency and described in 40 CFR 280 Appendix I (EPA form 7530-1), is not required to register a tank for which a notice has been filed, provided that the information as stated therein is still current.

B. The owner of any above ground storage tank, as those terms are defined in 20.5.101 NMAC, must have registered such tank or tanks with the petroleum storage tank bureau of the department no later than June 14, 2002.

C. The owner of any storage tank emergency generator system must have registered such tank with the petroleum storage tank bureau of the department no later than June 15, 2012.

D. Registration becomes effective upon receipt of the first year's annual fee described in 20.5.103 NMAC. Registration shall be renewed annually by payment of the annual fee until the permanent closure of the tank pursuant to 20.5.115 NMAC.

E. If owners and operators do not have a current and valid registration certificate because of the failure to pay tank fees in accordance with 20.5.102.207 NMAC, the storage tank system shall not be operated and owners and operators shall comply with the temporary closure requirements of 20.5.115 NMAC or shall immediately permanently close the storage tank system in accordance with 20.5.115.1502 NMAC.
[20.5.102.200 NMAC - N, 07/24/2018]

20.5.102.201 TRANSFER OF OWNERSHIP:

A. No purported transfer of any storage tank system shall be effective to create, alter or extinguish any right or responsibility of any person subject to this part, unless the following transfer requirements are met.

(1) Prior to any transfer of ownership, control or possession, whether by lease, conveyance or otherwise, of a property with a regulated storage tank system, the transferor shall notify the department and shall provide the name, address and phone number of the transferee, as well as the date and type of transfer (sale or lease, for example). The transferor shall also notify the transferee, prior to the transfer, of the existence of the storage tank system, of the transferee's registration obligations under this part, and of these rules.

(2) Upon receipt of such notification, the transferee shall re-register the tank with the department within 30 days of transfer of ownership, and shall provide all information required for registration in 20.5.102.206 NMAC. The transferee also shall have the duty to inquire into all of the provisions and requirements of this part.

(3) A transferor shall pay the tank fees for storage tank systems on the transferred property for the fiscal year of the transfer. A transferee shall pay the tank fees for storage tank systems on the transferred property starting the first July 1 after the transfer.

B. Nothing in this section or in this part shall be construed to relieve any person of responsibility or liability for any act or omission which occurred while that person owned, controlled or was in possession of the storage tank system.

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

20.5.102.202 NEW STORAGE TANK SYSTEMS: The owner shall notify the department in writing at least 30 days before any new above ground or underground storage tank system is installed, and shall register any new tank or storage tank system with the department within 60 days of placing a regulated substance in the tank, unless the owner applies for an extension in writing and an extension is granted in writing by the department. Annual registration certificates required for operation will be issued in accordance with 20.5.102.207 NMAC.

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

20.5.102.203 SUBSTANTIALLY MODIFIED STORAGE TANK SYSTEMS: Except as provided in 20.5.102.205 NMAC below, when an existing storage tank system is substantially modified or replaced, the owner shall notify the department in writing of such modification or replacement, at least 30 days prior to the modification or replacement. Emergency repairs or replacements made pursuant to 20.5.102.205 NMAC are exempt from the notification requirements of this section.

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

20.5.102.204 NOTIFICATION OF SPILL OR RELEASE: Notice of any known or suspected release from a storage tank system, any spill or any other emergency situation shall be given to the department in accordance with 20.5.118 NMAC.

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

20.5.102.205 EMERGENCY REPAIRS AND TANK REPLACEMENT: The owner or operator may make immediate repairs or replacement of a storage tank system in the event an emergency situation presents a threat to the public health, provided the owner or operator gives notice to the department as set forth in 20.5.102.204 NMAC and complies with the requirements of 20.5.107 NMAC for UST systems and 20.5.110 NMAC for AST systems.

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

20.5.102.206 REGISTRATION:

A. Required information. An owner or operator shall register all storage tanks unless EPA form 7530-1 entitled "notification for underground storage tanks" has been submitted to the department and all information contained thereon is still accurate. The registration shall contain at a minimum the following for each location with tanks:

- (1) facility name and address, including county, zip code and telephone number, and whether the tanks are located on Indian lands;
- (2) the department issued owner ID number and facility ID number for existing facilities;
- (3) whether the facility is currently listed as a leaking petroleum storage tank site;
- (4) storage tank system owner's name and address, including county, zip code and telephone number;
- (5) property owner's name and address, including county, zip code and telephone number;
- (6) storage tank system operator's name and address, including county, zip code and telephone number (if operator is different from owner);
- (7) facility contact person, job title and phone number;
- (8) type of facility: government (federal, state, county, municipality or other); individual; retail or non-retail (petroleum producer, petroleum refiner, school district, construction company, manufacturer);
- (9) whether a suspected or confirmed release as described in 20.5.118 NMAC has been reported at the facility to the bureau;
- (10) type of tank (list all that apply): AST, UST, steel double-wall, steel with cathodic protection, horizontal, vertical, compartment, with secondary containment, convault, field erected, shop built, vaulted, fiberglass, fiberglass double wall;
- (11) for each tank, (list all that apply): type of internal protection (cathodic protection, interior lining or other), type of external protection (asphalted, painted, epoxy coated, fiberglass reinforced plastic, cathodically protected or other), and type of corrosion protection (impressed current, sacrificial anode, internal lining or other);
- (12) type of piping (list all that apply): bare or galvanized steel, coated steel, fiberglass reinforced plastic, pressurized, suction, cathodically protected or unknown;
- (13) products stored (list all that apply): diesel, unleaded or leaded gasoline, alcohol-enriched gasoline, used oil, lubricating oil, heating oil, kerosene, aviation gas, jet fuel, hazardous substance, other or unknown;
- (14) use of tank (list all that apply): bulk fuel storage, retail fuel sales, aviation, fleet fuel supply, emergency generator, on-site heating, other (please specify);
- (15) method of release detection for each tank: visual inspection, tank tightness testing with inventory control, automatic tank gauging, vapor monitoring, groundwater monitoring, interstitial monitoring, statistical inventory reconciliation, secondary containment or other (please specify);
- (16) method of release detection for piping: visual inspection, secondary containment, vapor monitoring, interstitial monitoring, automatic line leak detectors, line tightness testing or other (please specify);
- (17) installation date of each tank;
- (18) status of each tank (list all that apply): new installation, upgraded or modified, currently in service or out of service less than 12 months, change in service and for tanks out of use: estimated date last used, estimated quantity of substance remaining in tank in gallons, date tank filled with solid material (if applicable), and date tank removed (if applicable);
- (19) certifications required in 20.5.106 NMAC, 20.5.107 NMAC, 20.5.109 NMAC, 20.5.110 NMAC, and 20.5.105 NMAC;
- (20) whether any part of the storage tank system is within 1,000 feet of any water supply well;
- (21) a description of the method and provider of financial responsibility meeting the requirements of 20.5.117 NMAC;
- (22) a description of the spill and overfill prevention systems for each tank (product level sensor/alarm, automatic tank fill shut-off and type, spill catchment basin, less than 25 gallons at a time transferred to tank, none, or other); and
- (23) the name of the class A or B operator, if available. If the name of the class A or B operator is not available at the time of registration, this information shall be provided within 60 days of placing the storage tank system in service.

B. Signature required. A registration submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president or a duly authorized agent of the corporation with authority to represent the corporation in these matters. A registration submitted by a partnership or a sole proprietorship shall be signed by a general partner or proprietor. A registration submitted by a municipal, state or other public facility shall be signed by either a principal executive officer, ranking elected official or other duly authorized employee.

C. Registrations shall be sent or delivered to the petroleum storage tank bureau.
[20.5.102.206 NMAC - N, 07/24/2018]

[The department provides an optional form that may be used for registration. The form is available on the Petroleum Storage Tank Bureau's pages on the department website or by contacting the Petroleum Storage Tank Bureau at 505-476-4397 or 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505.]

20.5.102.207 REGISTRATION CERTIFICATE:

A. No person shall operate a storage tank system without a current and valid registration certificate.

(1) The operator of any storage tank system shall display a current and valid registration certificate on the premises of the storage tank system at all times.

(2) Upon submittal to the department of a complete registration application or EPA form 7530-1 and payment of the annual fee, the department shall issue an initial registration certificate. An initial registration certificate shall expire on the next succeeding June 30, regardless of its date of issuance.

(3) After issuance of the initial registration certificate, except as provided in Paragraph (5) of this subsection, the department shall issue a renewed registration certificate upon payment of the annual fee on or before July 1 of each year. A renewed registration certificate shall expire on June 30 of each year.

(4) After receiving a registration form for a transfer as provided in Paragraph (2) of Subsection A of 20.5.102.201 NMAC, the department shall issue a registration certificate within 30 days for the transferee if the annual fees for the current fiscal year have been paid as required in 20.5.102.201 NMAC.

(5) When fees, including late fees, for any of an owner's tanks are delinquent as of June 30 of any year, no registration certificate for any of that owner's tanks shall be renewed until:

(a) all past due annual fees and late fees for all of the owner's tanks have been paid;

or

(b) the department and the owner or operator have agreed to a schedule for payment, provided any renewed certificate issued to an owner or operator who has agreed to such a schedule shall be valid only so long as the owner or operator continues to make payments in accordance with the payment schedule.

B. In the event any information provided on the registration form or EPA form 7530-1 changes or is no longer accurate, the owner or operator shall report the change within 30 days to the department.

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

20.5.102.208 REQUIREMENT FOR A CORRECT MAILING ADDRESS: All registration forms, inspection reports, correspondence, or other documents sent by owners or operators to the department shall include the correct mailing address of the owner or operator, and the owner and operator shall advise the department, in writing, within seven days of any change in mailing address.

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

HISTORY OF 20.5.102 NMAC:

Pre-NMAC History:

The material in this part was derived from that previously filed with the commission of public records - state records center and archives:

EIB/USTR-2, Underground Storage Tank Regulations - Part II - Registration of Tanks, filed 3/15/98;

EIB/USTR-2, Underground Storage Tank Regulations - Part II - Registration of Tanks, filed 9/12/88;

EIB/USTR-2, Underground Storage Tank Regulations - Part II - Registration of Tanks, filed 8/4/89.

History of Repealed Material:

20 NMAC 5.2, Petroleum Storage Tank Regulations, Registration of Tanks (filed 02/27/97) repealed 6/14/02.

20.5.2 NMAC, Petroleum Storage Tanks - Registration of Tanks (filed 4/30/02) repealed 4/4/08.

20.5.2 NMAC, Petroleum Storage Tanks - Registration of Tanks (filed 04/04/08), repealed 7/24/18.

Other History:

EIB/USTR-2, Underground Storage Tank Regulations - Part II - Registration of Tanks (filed 8/4/89) renumbered, reformatted and replaced by 20 NMAC 5.2, Underground Storage Tanks - Registration of Tanks, effective 11/5/95.

20 NMAC 5.2, Underground Storage Tanks - Registration of Tanks (filed 10/6/95) renumbered and replaced by 20 NMAC 5.2, Underground Storage Tanks - Registration of Tanks, effective 4/1/97.

20 NMAC 5.2, Underground Storage Tanks - Registration of Tanks (filed 2/27/97) renumbered, reformatted and replaced by 20.5.2 NMAC, Petroleum Storage Tanks - Registration of Tanks, effective 6/14/02.

20.5.2 NMAC, Petroleum Storage Tanks - Registration of Tanks (filed 4/30/02) replaced by 20.5.2 NMAC, Petroleum Storage Tanks - Registration of Tanks, effective 4/4/08.

20.5.2 NMAC, Petroleum Storage Tanks, Registration of Tanks (filed 4/4/08), was renumbered, reformatted, and replaced by 20.5.102 NMAC, Petroleum Storage Tanks, Registration of Tanks, effective 7/24/18.