

**NEW MEXICO**

**ENVIRONMENT DEPARTMENT**

**Petroleum Storage Tank Bureau**

2905 Rodeo Park Drive East, Building 1

Santa Fe, NM 87505-6313

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[www.env.nm.gov](http://www.env.nm.gov)

***${Governor}***

Governor

***${Lt. Governor}***

Lt. Governor

***${Cabinet Secretary}***

Cabinet Secretary

***${Deputy Secretary}***

Deputy Secretary

**Notice of Deficiency**

**Date:** January 29, 2020

**To:** ${Owner\_Name} (Owner ID# ${Owner\_ID}/Operator ID# ${Operator\_ID})

${Owner\_Address}, ${Owner\_City}, ${Owner\_State} ${Owner\_Zip}

${Operator\_Name} (Operator ID# ${Operator\_ID})

${Operator\_Address}, ${Operator\_City}, ${Operator\_State} ${Operator\_Zip}

**Re:** ${Facility\_Name} (Facility ID# ${Facility\_ID}, NOV# ${NOV\_Number})

${Facility\_Address}, ${Facility\_City}, NM ${Facility\_Zip}

**Date of NOV:** ${Date\_NOV\_Issued}

Following an inspection on ${Date\_of\_Inspection} by the New Mexico Environment Department’s (“Department”) Petroleum Storage Tank Bureau (“PSTB”), the facility noted above was cited with significant Class B compliance violation(s) of the Petroleum Storage Tank Regulations, 20.5 New Mexico Administrative Code (“NMAC”), that, if not addressed, could result in a release to the environment, or a release not being detected. PSTB has confirmed that the violation(s) identified at the inspection on the date noted above remain uncorrected.

**Violations included in this action:**

|  |  |  |
| --- | --- | --- |
| Violation Code | Tank ID#(s) | Violation Description |
| ${Violation\_Code} | ${Tank\_ID} | ${Violation\_Description} |

The Class B violation(s) cited indicate that the PSTB has identified a condition or conditions at this facility that qualify certain tanks for ineligibility to receive product (fuel) after written warnings. If not corrected within 30 days of the date of this notice, the Class B violation(s) will result in the issuance of a Notice of Intent to Red Tag, pursuant to 20.5.116.1602.B(3) NMAC. Ultimately, if not corrected within required timeframes, the tank(s) in violation could be classified as ineligible for delivery, deposit or acceptance of product (fuel), in accordance with 20.5.116.1602.C NMAC. This means that, in accordance with 20.5.116.1603 NMAC, the PSTB will physically place a red tag prohibiting the delivery, deposit or acceptance of product (fuel) on the fill port of each tank with a continuing Class B violation. The red tag would remain affixed on the tank until all violations associated to that tank are corrected. In addition, and in accordance with 20.5.116.1603 NMAC, the Department will post this facility on its webpage list of facilities not eligible for delivery, deposit or acceptance of product (fuel) and post a certificate, conspicuously displayed at the facility clearly prohibiting any fuel delivery, deposit or acceptance of product at every storage tank at the facility to which the Department has affixed a red tag. Red tag tampering is prohibited, and it shall be unlawful for any person other than an authorized representative of the Department to remove, tamper with, destroy or damage a red tag affixed to any storage tank or certificate posted at a storage tank facility.

Unless violations cited in the inspection are corrected, the facility may not be compliant with the requirements and provisions of the Petroleum Storage Tank Regulations as required for eligibility for reimbursement from the Corrective Action Fund if your facility has a release.

Please notify PSTB inspector ${Inspector} at ${Inspector\_Phone} if you do not understand the violation(s) cited, or to notify PSTB of the schedule of when work is planned to be done in order to correct the violation(s).

January 29, 2020

Adrian J. Jaramillo, Environmental Scientist/Specialist-Supervisor Date

Prevention Inspection Program, Petroleum Storage Tank Bureau

cc: ${Facility\_Name}, ${Facility\_Address}, ${Facility\_City}, NM ${Facility\_Zip}

[A/B Operator Name and Address], A/B Operator, ${Owner\_Name}

Dana Bahar, Bureau Chief, PSTB (via electronic transmission)

[CAC Name], CAC, PSTB (via electronic transmission)

${Inspector}, Inspector PSTB (via electronic transmission)

PSTB Master File

PSTB Owner File