**NEW MEXICO**

**ENVIRONMENT DEPARTMENT**

**Petroleum Storage Tank Bureau**

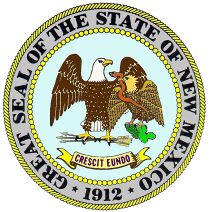
2905 Rodeo Park Drive East

Building 1

Santa Fe, NM 87505-6313

Telephone (505) 476-4397 Fax (505) 476-4374

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



***${Cabinet Secretary}***

Cabinet Secretary

***${Deputy Secretary}***

Deputy Secretary

***${Governor}***

Governor

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

Lt. Governor

**Red Tag Placement and Ineligibility for Delivery**

20.5.116 NMAC Delivery Prohibition

**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} (FID# ${Facility\_ID}, NOV# ${NOV\_Number})

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

**Date of NOIRT**: ${Date\_NOIRT\_Issued}

The violation(s) cited in the Notice of Intent to Red Tag (NOIRT) (*see* “Date of NOIRT”) and summarized below remain uncorrected. Therefore, the New Mexico Environment Department’s (“Department”) Petroleum Storage Tank Bureau (“PSTB”) has classified the following storage tank(s) at the facility referenced above as ineligible for delivery in accordance with 20.5.116.1603.A New Mexico Administrative Code (“NMAC”). **If the violation(s) in the table are not corrected within 30 days from the date the red tag(s) were affixed, you will be required to empty all regulated substances from any tank with a red tag pursuant to 20.5.116.1604 NMAC.**

**Violations included in this action:**

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

In accordance with 20.5.116.1603 NMAC a red tag has been attached to the fill port of each tank subject to delivery prohibition and a Certificate of Ineligibility has been posted at the facility. In addition, pursuant to 20.5.116.1606.B NMAC, PSTB posted the name and address of the facility on the Department’s website list of facilities that contain storage tanks which are ineligible for delivery on [DATE POSTED ON WEB]. This list can be accessed through the “Delivery Prohibition” link on the PSTB webpage www.nmenv.state.nm.us/petroleum\_storage\_tank/).

Pursuant to 20.5.116.1603 NMAC, until the violation(s) are corrected, all tanks affixed with a red tag are not eligible for any delivery, deposit or acceptance of product. Red tag tampering is prohibited, it is 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 any certificate posted at the storage tank facility. Owners and operators shall continue to perform leak detection, corrosion protection, and monthly inspections, in addition to any other performance requirements in 20.5 NMAC, on the tanks that have a red tag (see 20.5.116.1603.D NMAC).

Until the cited violations are corrected, this facility is not eligible for reimbursement from the Corrective Action Fund if it has or has had a release.

In accordance with 20.5.116.1602.D NMAC, the owner or operator is required to notify the PSTB of any installation, replacement, repair or modification that will correct the violations. They must notify PSTB inspector ${Inspector} at ${Inspector\_Phone} to schedule an inspection. Once the violation(s) have been corrected, the owner or operator shall submit a statement of compliance, in accordance with 20.5.116.1607.A NMAC, to the department which contains the date, the owner or operator’s name, how the conditions have been corrected, by whom and the date the violations were corrected.

An owner or operator of a facility that has been red-tagged may appeal this classification to the department secretary in accordance with 20.5.116.1611 NMAC. An owner or operator must file any request for an appeal within five (5) business days of the date of this notice. If no appeal is received by the PSTB within the five (5) business days, the decision of the department is final.

If you have questions about this Notice or the Delivery Prohibition process, please call the PSTB at 505-476-4397 or go to our webpage (www.nmenv.state.nm.us/petroleum\_storage\_tank/) and click on the link “Delivery Prohibition.”

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

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

Mia Napolitano, OGC, New Mexico Environment Department (via electronic transmission)

Lorena Goerger, Manager, Remedial Action Program, PSTB (via electronic transmission)

[RAP PROJECT MANAGER], Project Manager, Remedial Action program, PSTB (via electronic transmission)

Joe Godwin, Manager, Prevention and Inspection Program, PSTB (via electronic transmission)

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

[Inspector], Inspector PSTB (via electronic transmission)

Master File

Owner File