

**STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
UNDERGROUND STORAGE TANK COMMITTEE
HAROLD RUNNELS BUILDING
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MINUTES OF THE MARCH 4, 2002 MEETING

The meeting of the Underground Storage Tank Committee (USTC) was held at the New Mexico Energy, Minerals and Natural Resources Department, 1220 South St. Francis Drive, Pinon Bldg. Porter Hall Conference Room Santa Fe, New Mexico 87505 on March 4, 2002. Greg Lewis called the meeting to order at approximately 10:00 a.m.

Item #1 (Roll Call)

Carolyn Vigil, Committee Secretary, took roll call and a quorum was present as follows:
Greg Lewis, Director of Water and Waste Management, for Peter Maggiore, Chairman
Charley Brewer, USTC Member
Benny Hodges, USTC Member
L. W. Stoesz, USTC Member

Members Absent:

Royce Pearson, USTC Member
Gregory Ryan, USTC Member
Richard Renn, USTC Member

NMED Staff Present:

Ralph Gruebel, Director, Environmental Protection Division
Donna Gary, Deputy Director, Environmental Protection Division
Jerry Schoeppner, Chief, UST Bureau
Joyce Shearer, Program Manager, USTB Remedial Action
Anna Richards, Program Manager, USTB Regulations and Information Management
Dan Lopez, Environmental Specialist
Joseph Romero, Environmental Specialist

Item #2 (Approval of the Agenda)

Mr. Stoesz, USTC Member moved to approve the agenda as amended and Mr. Brewer seconded the motion. The motion passed unanimously.

Item #3 (Approval of the Minutes of the March 4, 2002)

Mr. Brewer mentioned that he made a comment following Mr. Olcot's presentation where he described no growth in petroleum sales over the last year that did not make it into the minutes for the meeting.

Mr. Brewer moved to approve the minutes and Mr. Hodges seconded the motion. The motion passed unanimously.

ITEM #4 (Update Correction Action Fund)

Mr. Jerry Schoeppner, Chief of the Underground Storage Tank Bureau, introduced Environmental Protection Division Deputy Director Ms. Donna Gary. Ms. Gary discussed the Corrective Action Fund for November and December. The report included a second page, which Mr. Hodges requested at the last meeting, showing the monthly revenues for each month.

Ms. Gary stated that her staff is still working on the report that pertains to the long-term liability and therefore an unobligated cash balance has not been provided. Ms. Gary stated that the long-term liability would be extracted from the database and would be available for the next Underground Storage Tank Committee meeting.

Ms. Gary stated that for the month of November and December the Taxation and Revenue Department (TRD) transferred \$1,375,772.00 and \$8,448,860.00 respectively. Ms. Gary had reported at the last Underground Storage Tank Committee meeting that the TRD failed to change the petroleum products loading fee from \$120 to \$150 a load in October. Ms. Gary stated that TRD did post the correction in December 2001 but unfortunately, TRD posted the correct amount in the wrong direction and incorrectly over-distributed to the local government road fund. Ms. Gary received a fax for January indicating a correction has been made. January's Taxation and Revenue distribution will be \$2,141,847.00. November state-lead and responsible party payments total \$1,344,490.00, and December state-lead and responsible party payments total \$563,604.00. Ms. Gary mentioned that she was estimating that the lower payments in December reflect the holiday slow period on part of the people who submit claims and invoices. Workplan approvals for November for state-lead were \$726,657 and for responsible parties \$1,000,074.00. In December state-lead was \$216,144 and responsible parties \$1,826,108.00.

Mr. Brewer mentioned that the Underground Storage Tank Committee has talked about certifying the Corrective Action Fund every six months. Mr. Schoeppner indicated that following discussions with Tax and Revenue, this was not feasible based on end of year close outs and auditing procedures required to certify the fund.

Mr. Schoeppner stated that it is more of a manpower issue. Ms. Gary asked Taxation and Revenue how they wanted the Corrective Action Fund to be reported: monthly, bimonthly or every six months. TRD's recommendation, based on all the information coming in and out was for an annual certification.

Mr. Hodges mentioned it has been four months since that loading fee has changed. Taxation and Revenue has still not gotten it right. If we change it every six months it will never be right.

ITEM #5 (STATUS OF STATE LEAD SITES)

Mr. Jerry Schoeppner introduced Ms. Joyce Shearer, Manager of the Remedial Action Program. Ms. Shearer reviewed the attachment that she gave to the Underground Storage Tank Committee. Ms. Shearer mentioned that they gave a list of workplan approvals by month for responsible parties and state-lead sites for the month of November and December. Staff has been approving a larger number workplans than in the past. To prevent overspending staff is going to be looking more carefully at the priority of the sites and the funding available. Anna Richards is also currently revising the LUST ranking system which will aid in making these determinations.

Ms. Shearer mentioned that her staff has been working on summarizing the status of all the State-lead sites and making long-term fiscal projections to closure. In the next fiscal year the Bureau may need more than the current budgeted \$6,000,000 for state sites. Ms. Shearer mentioned the Bureau has taken on one very bad site (Burrows in Milan) and has a commingled site consisting of three individual sites located in Grants, which may be similar in scope, cost and technical difficulty. They also recently completed an RFP for state-lead sites and anticipate spending approximately \$5,000,000.00 over a 5-year period.

ITEM #6 (Update on Regulation Revisions)

Mr. Jerry Schoeppner stated that an EIB hearing for Parts 1-3 is scheduled for April 12, 2002 in Albuquerque. The Public comment period began February 1, and closed April 1, 2002. On April 17th a Department hearing for Part 17 is scheduled in Santa Fe. In the package, the Bureau provided copies of final drafts of Parts 1, 2, 3 and 17. Part 17 was the one discussed most at the last meeting and in particular Section 301. Subsection D11 has been revised to read: "For purposes of owner and operator participation in Paragraph D, the owner and operator may appoint a representative who is not affiliated with anyone who submitted a proposal. An owner or operator representative may not later work for the contractor on any work generated by the proposal. Owner and operator participation in Subsection D is optional and at the owner and operator's discretion." This was the only point on which disagreement remained. The revised language provides the owner/operator the ability to designate anyone they chose to join the evaluation team when evaluating proposals for remediation.

Item #7 (Next Meeting)

The next meeting will be in Santa Fe May 15, 2002.

Respectfully Submitted,

Carolyn Vigil
Administrative Secretary