Environmental Protection Agency

§ 282.81


(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: New Hampshire Revised Statutes Annotated (Supplement 1988) Section 146–C:1.XII, insofar as it refers to heating oil for consumptive use on the premises where stored.

(B) The regulatory provisions include: New Hampshire Code of Administrative Rules (1990) Sections Env-Ws 411.01 and 411.02, insofar as they refer to heating oil for consumptive use on the premises where stored.

(2) Statement of legal authority.

(i) ''Attorney General’s Statement for Final Approval'', signed by the Attorney General of New Hampshire on November 1, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 et seq.

(ii) Letter from the Attorney General of New Hampshire to EPA, November 1, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 et seq.

§ 282.80 [Reserved]

§ 282.81 New Mexico State-Administered Program.

(a) The State of New Mexico is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 et seq. The State’s program, as administered by the New Mexico Environmental Improvement Board, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the New Mexico program on August 21, 1990 and it was effective on November 16, 1990.

(b) New Mexico has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, New Mexico must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If New Mexico obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) New Mexico has final approval for the following elements submitted to EPA in New Mexico’s program application for final approval and approved by EPA on August 21, 1990. Copies may be
obtained from the Underground Storage Tank Program, New Mexico Environmental Improvement Board, 1190 St. Francis Drive, Santa Fe, NM 87503.

(1) State statutes and regulations. (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 et seq.

(A) New Mexico Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) New Mexico Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(i) New Mexico Statutes 1978 Annotated, Chapter 74, Environmental Improvement.

(ii) Article 4: Hazardous Wastes.

74-4-4.2 Permits; Issuance; Denial; Modification; Suspension; Revocation
74-4-4.3 Entry; Availability of Records
74-4-10 Enforcement; Compliance Orders; Civil Penalties
74-4-11 Penalty; Criminal
74-4-12 Penalty; Civil
74-4-13 Imminent Hazards; Authority of Director; Penalties
74-4-14 Administrative Actions; Judicial Review

(ii) Article 6: Water Quality.

74-6-7 Administrative Action; Judicial Review
74-6-10 Penalties Enforcement; Compliance Orders; Penalties; Assurance of Discontinuance
74-6-10.1 Civil Penalties
74-6-10.2 Criminal Penalties
74-6-11 Emergency; Powers of Delegated Constituent Agencies; Penalties

(iii) Article 6B: Ground Water Protection.

74-6B-5 Department’s Right of Entry and Inspection

(B) The regulatory provisions include:

(i) State of New Mexico Environmental Improvement Board Underground Storage Tank Regulations.

(i) Part X: Administrative Review.

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(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) New Mexico Statutes 1978 Annotated, Chapter 74, Environmental Improvement.

(1) 74-4-4.4 Underground Storage Tanks; Registration; Installer Certification; Fees [Insofar as it applies to individuals other than UST owners and operators.]

(B) State of New Mexico Environmental Improvement Board Underground Storage Tank Regulations.

(1) Part I: General Provisions.

§103 Applicability [Insofar as it does not exclude UST systems with de minimis concentrations of regulated substances; emergency spill or overflow containment UST systems expeditiously emptied after use; UST systems that are part of emergency generator systems at nuclear power generation facilities; airport hydrant fuel distribution systems; and UST systems with field-constructed tanks; and does not defer emergency power generator UST systems.]

(2) Part XIV: Certification of Tank Installers [Insofar as it applies to individuals other than UST owners and operators.]

§1400 Purpose

§1401 Legal Authority

§1402 Definitions

§1403 Applicability

§1404 General Requirements

§1405 Contractor Certification

§1406 Individual Certification

§1407 Experience Requirements

§1408 Written Examination

§1409 On-Site Examination

§1410 Approval of Comparable Certification Programs

§1411 Denial of Certificates

§1412 Renewal of Certificates

§1413 Installer Duties and Obligations

§1414 Division Approval of Training and Continuing Education

§1415 Complaints

§1416 Investigations, Enforcement, Penalties

§1417 Division Actions Against Certificates

(2) Statement of legal authority. (i) “Attorney General’s Statement for Final Approval”, signed by the Attorney General of New Mexico on June 25, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 et seq.

(ii) Letter from the Attorney General of New Mexico to EPA, June 25, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 et seq.

(3) Demonstration of procedures for adequate enforcement. The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application on September 25, 1989, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 et seq.

(4) Program description. The program description and any other material submitted as part of the original application on September 25, 1990, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 et seq.

(5) Memorandum of Agreement. The Memorandum of Agreement between EPA Region 6 and the New Mexico Environmental Improvement Board, signed by the EPA Regional Administrator on September 13, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 et seq.

[61 FR 1217, Jan. 18, 1996]