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Storage Tank Enforcement: New Mexico Environment Department Notice of Intent to Red Tag New Mexico Department of Transportation Facility

01/16/2025

The New Mexico Environment Department (“NMED”) issued a December 12th Notice of Intent to Red Tag (“Notice”) to the New Mexico Department of Transportation District 4 (“NMDOT”).

The Notice addresses an NMDOT Clayton Patrol Yard in Clayton, New Mexico.

A “red tag” denotes that the above ground storage tank (“AST”) will be classified as ineligible for delivery, deposit, or acceptance of product in accordance with the New Mexico regulations. See 20.5.116 NMAC Delivery Prohibition.

NMED states that subsequent to a February 22, 2024 inspection by its Petroleum Storage Tank Bureau (“PSTB”) the referenced facility was cited with Class B violations of the New Mexico Storage Tank Regulations. NMED states that NMDOT was previously provided with a Notice of Violation and provided thirty days from the day of its issuance to correct them. NMED states that because they were not corrected within the required timeframe, a Notice of Deficiency was issued, and an additional thirty days were provided to correct the violations.

The violations alleged in the prior NOV are stated to have included:

- Failure to test spill prevention equipment installed as an integral component of a double walled storage tank system every three years.
- Failure to annually inspect and test interstitial sensors.
- Failure to monitor AST systems monthly for releases using a method, or combination of methods, of release detection.
- Failure to perform an annual test of the proper operation of the automatic tank gauging system after 7/24/2021 which covers all of the components and criteria applicable to the facility.
- Failure to periodically inspect or test overflow prevention equipment on a AST.

A copy of the Notice can be downloaded [here](#).