

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 667 ERRDS, NEW MEXICO DEPARTMENT OF ENVIRONMENT

1.18.667.1 ISSUING AGENCY: State Commission of Public Records - State Records Center and Archives.
[1.18.667.1 NMAC - N, 7/8/2000; A, 5/14/2007]

1.18.667.2 SCOPE: New Mexico department of environment
[1.18.667.2 NMAC - N, 7/8/2000; A, 5/14/2007]

1.18.667.3 STATUTORY AUTHORITY: Section 14-3-4 NMSA 1978, it shall be the duty of the commission to adopt and publish rules to carry out the purposes of the Public Records Act. Section 14-3-6 NMSA 1978, the administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[1.18.667.3 NMAC - N, 7/8/2000; A, 5/14/2007; A, 7/23/2012]

1.18.667.4 DURATION: permanent.
[1.18.667.4 NMAC - N, 7/8/2000]

1.18.667.5 EFFECTIVE DATE: July 8, 2000 unless a later date is specified at the end of a section.
[1.18.667.5 NMAC - N, 7/8/2000]

1.18.667.6 OBJECTIVE: To establish a records retention schedule for the orderly management, retention, disposition and preservation of records necessary for carrying out the Public Records Act pursuant to Section 14-3-6 NMSA 1978.
[1.18.667.6 NMAC - N, 7/8/2000; A, 5/14/2007; A, 7/23/2012]

1.18.667.7 DEFINITIONS:

- A. "Administrator"** means the state records administrator (Section 14-3-2 NMSA 1978).
- B. "Agency"** means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).
- C. "Archives"** means the permanent records of the state of New Mexico, which may include government and private collections of the Spanish, Mexican, territorial and statehood periods, assessed to have significant historical value to warrant their preservation by the state of New Mexico. The term also refers to the organizational unit of the SRCA storing these records.
- D. "Audit"** means a periodic examination of an organization to determine whether appropriate procedures and practices are followed
- E. "Commission"** means the state commission of public records (Section 14-3-2 NMSA 1978).
- F. "Data"** means a general term used to denote computer-based records or information.
- G. "Data-base"** means a structured collection of data that is stored in a computer system.
- H. "Disposition"** means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).
- I. "Microphotography"** means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records produced by information system technologies pursuant to regulations adopted by the commission.
- J. "Non-record"** means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; extra copies of correspondence; preliminary drafts; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.
- K. "Pending litigation"** means a proceeding in a court of law whose activity is in progress but not yet completed.

L. "Public record" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein (Section 14-4-2 NMSA 1978).

M. "Records custodian" means the statutory head of the agency using or maintaining the records or the custodian's designee.

N. "Record destruction" means the process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.

O. "Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

P. "Records retention and disposition schedule" means rules adopted by the commission pursuant to Section 14-3-4 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

Q. "Resource group" means group of individuals certified for specialized search and rescue missions.

R. "Retention" means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.
[1.18.667.7 NMAC - N, 7/8/2000; A, 5/14/2007; A, 8/3/2009; A, 7/23/2012]

1.18.667.8 ABBREVIATIONS AND ACRONYMS:

A. "CFR" stands for code of federal regulations.

B. "EDRRDS" stands for education records retention and disposition schedules.

C. "EPA" stands for environmental protection agency.

D. "ERRDS" stands for executive records retention and disposition schedules.

E. "GRRDS" stands for general records retention and disposition schedules.

F. "JRRDS" stands for judicial records retention and disposition schedules.

G. "LRRDS" stands for legislative records retention and disposition schedules.

H. "LGRRDS" stands for local government records retention and disposition schedules.

I. "SRCA" stands for state records center and archives.

J. "USC" stands for United States code.

[1.18.667.8 NMAC - Rp SRC Rule No. 85-01 Item No. 801, 7/8/2000; 1.18.667.8 NMAC - N, 5/14/2007; A, 7/23/2012]

1.18.667.9 INSTRUCTIONS:

A. Records retention and disposition schedules identify the types of records maintained by state agencies and specify a period of time which records must be retained. A retention period may be stated in terms of months or years and is sometimes expressed as contingent upon the occurrence of an event. There are several types of records retention and disposition schedules promulgated by the commission for state agencies. General schedules list records common to all agencies and executive schedules list records specific to an agency. Each record series will be represented in the format listed below.

(1) **Program** - describes the function of the records

(2) **Maintenance system** - describes how an agency files (organizes) records

(3) **Description** - describes the purpose and content of a record

(4) **Retention** - defines the length of time records must be kept before they are eligible for destruction

or archival preservation.

B. For records of a general administrative nature, refer to the GRRDS, General Administrative, 1.15.2 NMAC.

C. For records of a financial nature, refer to the GRRDS, General Financial, 1.15.4 NMAC.

D. For records of a personnel nature, refer to the GRRDS, General Personnel, 1.15.6 NMAC.

E. For records of a medical nature, refer to the GRRDS, General Medical, 1.15.8 NMAC.

F. Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.

G. The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are included in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

H. Confidentiality is denoted for files likely to contain confidential materials or information; however files without a confidentiality note may contain confidential or privileged information. Failure to include a confidentiality note in the description of a record series does not waive confidentiality. Refer questions concerning the confidentiality of a file to legal counsel for the agency.

I. Access to confidential documents, information or files shall be only by authorization of the agency records custodian (Section 14-2-8 NMSA 1978), or by the office of the attorney general or by court order, unless otherwise provided by law. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

J. Records may be photographed, microfilmed, digitized or converted to computer output microfilm provided a microphotography plan has been approved by the state records administrator (Section 14-3-17 NMSA 1978). Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction as evidence in all courts or administrative agencies (Section 14-1-6 NMSA 1978).

K. Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in records retention and disposition schedules and are subject to the same confidentiality and access restrictions as paper records. See also 1.13.70 NMAC, Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

L. Email is a transmission medium for content that may or may not be a public record. Email messages that contain information sent or received by an agency in connection with the transaction of official state business or in pursuance of law are public records and are subject to retention requirements established in records retention and disposition schedules. Email messages are required to be categorized, filed and retained on the basis of content (1.13.4 NMAC, Records Management Requirements for Electronic Messaging). The content of email messages may vary considerably; therefore, each email shall be evaluated to determine if it meets the definition of a public record as defined in the Public Records Act. Non-records or transitory emails that do not provide evidence of official agency policies or business transactions may be deleted.

[1.18.667.9 NMAC - N, 7/8/2000; 1.18.667.9 NMAC - N, 5/14/2007; A, 7/23/2012]

1.18.667.10 [RESERVED]

[1.18.667.10 NMAC - N, 7/8/2000; 1.18.667.10 NMAC - Rn, 1.18.667.8 NMAC, 5/14/2007; Repealed, 7/23/2007]

1.18.667.11 [RESERVED]

[1.18.667.11 NMAC - Rn, 1.18.667.9 NMAC, 5/14/2007; Repealed, 7/23/2007]

1.18.667.12 [RESERVED]

[1.18.667.12 NMAC - Rn, 1.18.667.10 NMAC, 5/14/2007; Repealed, 7/23/2007]

1.18.667.13 ATTORNEY FACILITY FILES:

A. Program: legal services

B. Maintenance system: alphabetically by facility name

C. Description: litigation records concerning federal and non-federal facility permitting, compliance and enforcement of environmental rules and regulations. File may include research data, regulatory interpretations, pleadings, correspondence, final decision, etc.

D. Retention: permanent. Transfer to archives 10 years after final decision.

E. Confidentiality: portions of record may contain confidential information per 5 USC, Section 552a (i.e., social security number), per CFR 40 Subsection 53.15 (i.e., trade secrets and confidential or privileged information) and per 20 USC, Section 9573 Confidentiality.

[1.18.667.13 NMAC - N, 7/23/2007]

1.18.667.14 - 20 [RESERVED]

[1.18.667.14-20 NMAC - N, 7/8/2000]

1.18.667.21 INTERNAL AUDITS:

A. Program: internal audits.

B. Maintenance system: alphabetical by program name.

C. Description: records concerning the internal audits of programs within the department. File may contain working papers, examination of grants and contracts, sampling of each program's project file, copies of appropriations, vouchers, reports and notices of payment to the environmental protection agency, policies and procedures, final findings, correspondence, memoranda, etc.

D. Retention: 10 years after audit report released.

[1.18.667.21 NMAC - N, 7/8/2000]

1.18.667.22-30 [RESERVED]

[1.18.667.22-30 NMAC - N, 7/8/2000]

1.18.667.31 COST RECOVERY PROJECT FILES:

A. Program: financial services.

B. Maintenance system: numerical by grant number.

C. Description: record concerning the legal cost recovery through the court system for department expenditures to recover the cost of environmental cleanup. File may contain environmental protection agency reports, documentation from superfund files, time sheets, travel authorizations, travel vouchers, carrier bills, local travel vouchers, evidence of payment, interagency agreements, cooperative agreements, legal briefs, judgments, cost worksheets, financial documentation, final approval from the environmental protection agency closing out file, correspondence, memoranda, etc.

D. Retention: 20 years after project cost recovered, then transfer to archives for review and final disposition.

[1.18.667.31 NMAC - N, 7/8/2000]

1.18.667.32-40 [RESERVED]

[1.18.667.32-40 NMAC - N, 7/8/2000]

1.18.667.41 PROJECT FILES:

A. Program: construction services.

B. Maintenance system: alphabetical by project name.

C. Description: records concerning the loaning of monies to communities for water and wastewater projects. Files may contain loan or grant agreement or contract, specifics of agreement, disclosure clause, correspondence, memoranda, etc.

D. Retention: six years after contract or agreement is terminated.

[1.18.667.41 NMAC - Rp SRC Rule No. 85-01 Item No. 877, 7/8/2000]

1.18.667.42-50 [RESERVED]

[1.18.667.42-50 NMAC - N, 7/8/2000]

1.18.667.51 PERMIT FILES:

A. Program: hazardous and radioactive materials.

B. Maintenance system: alphachronological by facility name and date and time received.

C. Description: records concerning the state's authority and requirements under the provisions of the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments to approve or deny hazardous waste permits to anyone who owns or operates a facility where hazardous waste is treated, stored or disposed. Files may contain Resource Conservation and Recovery Act permit application environmental protection agency form 8700-23, legal notice, fact sheet, notification of permit, draft permit for public review, notice of public hearings, public comments, results of public hearings, legal documentation, photographs of sites and facilities, test results, reports, transmittal letters, modifications to permits, technical support document for corrective action, closure plans, amendments for facilities, mailing lists, correspondence, memoranda, etc.

D. Retention: permanent. Transfer to archives 10 years after date created.

[1.18.667.51 NMAC - N, 7/8/2000]

1.18.667.52 HAZARDOUS AND SOLID WASTE AMENDMENTS FILES:

A. Program: hazardous and radioactive materials.

B. Maintenance system: alphachronological by facility name and year.

C. Description: records concerning the cleanup and corrective action of hazardous and solid waste sites. Files may contain reports, sample data, raw data, maps, drawings, plans, transmittal forms, responses, correspondence, memoranda, etc.

D. Retention: permanent. Transfer to archives 10 years after date created.
[1.18.667.52 NMAC - N, 7/8/2000]

1.18.667.53 LIBRARY FILES:

A. Program: hazardous and radioactive materials.

B. Maintenance system: alphabetical by facility name, project and site.

C. Description: records concerning the attachments and supplemental information received as part of the 1.18.667.51 NMAC *permit files* and 1.18.667.52 NMAC *hazardous and solid waste amendments files*. Files may contain environmental impact statements, reports, data, maps, photographs, copies of permits, public hearing records and transcripts, responses of the public, monthly and quarterly reports, financial data on companies or individuals, information on patents pending, etc.

D. Retention: until no longer needed for reference, then transfer to archives for review and final disposal.

[1.18.667.53 NMAC - N, 7/8/2000]

1.18.667.54 SMALL QUANTITY GENERATOR FILES:

A. Program: hazardous and radioactive materials.

B. Maintenance system: chronological by date of environmental protection agency receipt notification.

C. Description: records concerning notification as requires under the Resource Conservation and Recovery Act for notifying the environmental protection agency and state authorities of regulated waste activities. Files may contain federal environmental protection agency form 8700-12 (notification of regulated waste activity), public regulatory commission corporate documents, inspection reports, recommendations, responses, analytical results, copy of authorization, transport manifest, legal documents, legal opinions, legal actions, court actions, court decisions, enforcement documents, photographs, correspondence, memoranda, etc.

D. Retention: permanent. Transfer to archives 10 years after date created.

E. Confidentiality: portions of record may contain confidential information.

[1.18.667.54 NMAC - N, 7/8/2000]

1.18.667.55 PERMITTED FACILITY ENFORCEMENT FILES:

A. Program: hazardous and radioactive materials.

B. Maintenance system: alphachronological by abbreviated name of facility and year.

C. Description: records concerning the enforcement actions of facilities for violations of state hazardous and radioactive waste regulations. Files may contain inspection reports, enforcement actions, results, recommendations, contingency plans, environmental impact statements, assessments, photographs, legal documents, legal opinions, complaints, correspondence, memoranda, etc.

D. Retention: permanent. Transfer to archives 10 years after date created.

E. Confidentiality: portions of record may contain confidential information.

[1.18.667.55 NMAC - N, 7/8/2000]

1.18.667.56 RADIOACTIVE MATERIALS LICENSE FILES:

A. Program: hazardous and radioactive materials.

B. Maintenance system: alphabetical by applicant name.

C. Description: records concerning the license issued to an organization or person for possession and use of radioactive materials and equipment. Files may contain application with attachments, floor plans showing where materials or equipment are placed, copy of license, operational and procedural manuals, sampling data, employee training documentation, complaints, violations, correspondence, memoranda, etc.

D. Retention: 30 years after license expires or is terminated.

E. Confidentiality: portions of record may contain confidential information.

[1.18.667.56 NMAC - N, 7/8/2000]

1.18.667.57 GENERATOR FEE FILES:

A. Program: hazardous and radioactive materials.

- B. Maintenance system:** alphabetical by facility name.
- C. Description:** records concerning the collection of fees from large waste producers for amounts of hazardous waste generated in the previous year. Files may contain copy of environmental protection agency form 8700-12 (notification of regulated waste activity), copy of yearly invoice issued, copies of checks, copy of deposit slips, previous amounts paid, correspondence, memoranda, etc.

D. Retention: until audit report is released.
[1.18.667.57 NMAC - N, 7/8/2000]

1.18.667.58 RESOURCE CONSERVATION AND RECOVERY ACT AUTHORIZATION FILES:

- A. Program:** hazardous and radioactive materials.
- B. Maintenance system:** chronological by date received.
- C. Description:** records concerning federal regulations, updates and changes to existing laws received from the environmental protection agency for hazardous and radioactive waste regulations. Files may contain regulations received from the environmental protection agency, draft with comparisons returned to the environmental protection agency, checklist, correspondence, memoranda, etc.
- D. Retention:** permanent. Transfer to archives 10 years after date created.

[1.18.667.58 NMAC - N, 7/8/2000]

1.18.667.59 SCHOOL RADON DATABASE:

- A. Program:** hazardous and radioactive materials.
- B. Maintenance system:** [RESERVED]
- C. Description:** system captures and maintains information on the volunteer testing of public and private schools for radon gases. Database may contain name of school, address and results of lab test and is used for tracking information, etc.
- D. Retention:** retention of data is permanent. For retention of system, software and documentation, refer to 1.15.2.301 NMAC *general administrative records*.

[1.18.667.59 NMAC - N, 7/8/2000]

1.18.667.60 SCHOOL RADON FILES:

- A. Program:** hazardous and radioactive materials.
- B. Maintenance system:** alphabetical by name of school district.
- C. Description:** hard copy input record for 1.18.667.59 NMAC *school radon database*. Record concerns the voluntary testing of public and private schools for radon gases. File may contain test lab results, summary report from the environment department, supportive data, report on corrective action, correspondence, memoranda, etc.
- D. Retention:** until destruction of building or facility.

[1.18.667.60 NMAC - N, 7/8/2000]

1.18.667.61 NEW MEXICO RADON SURVEY:

- A. Program:** hazardous and radioactive materials.
- B. Maintenance system:** the environment department does not keep copies of this report because the information is captured in 1.18.667.59 NMAC *school radon database*. The report is printed and mailed to the environmental protection agency and to the school or schools tested.
- C. Description:** hard copy output record from 1.18.667.59 NMAC *school radon database*. Report of radon levels detected in the voluntary testing of public and private schools.
- D. Retention:** record is mailed out to the federal environmental protection agency and to the school or schools tested.

[1.18.667.61 NMAC - N, 7/8/2000]

1.18.667.62 EMERGENCY RESPONSE TRAINING FILES:

- A. Program:** hazardous and radioactive materials.
- B. Maintenance system:** alphabetically by topic or subject (e.g., calibration of instruments, training, procedures, etc.).
- C. Description:** records concerning management of resources in case of an emergency or disaster involving hazardous or radioactive waste or spills. Files may contain list of responsible parties, list of participants,

procedures, training information, training schedules, calibration files, videos of exercises, updates on procedures, correspondence, memoranda, etc.

D. Retention: five years after close of fiscal year in which created or until all investigations have been concluded, whichever is longer.

[1.18.667.62 NMAC - N, 7/8/2000]

1.18.667.63 RECIPROCAL RADIOACTIVE LICENSE FILES:

A. Program: hazardous and radioactive materials.

B. Maintenance system: alphabetical by name of company.

C. Description: records concerning the reciprocity for out-of-state companies to operate in New Mexico for up to 180 days per calendar year. Files may contain copy of letter requesting reciprocity, letter of approval, notification of work site or location, inspections, standard operating procedures, nuclear regulatory commission agreement or state license, qualifications of radiation safety officer, correspondence, memoranda, etc.

D. Retention: five years after license expires or is terminated.

[1.18.667.63 NMAC - N, 7/8/2000]

1.18.667.64 RADIOLOGIC TECHNOLOGY CERTIFICATION PROGRAM FILES:

A. Program: hazardous and radioactive materials.

B. Maintenance system: alphabetical by name of certified individual.

C. Description: records concerning the examination, qualifications and certification of persons who administer ionizing radiation procedures to humans. Files may contain application showing name and address of applicant, types of radioactive materials used and documentation of education and training; examination application; copy of certificate; copies of checks; continuing education credits; copy of renewal form letter; complaints or notice of action; investigative reports; recommendation from attorney general's office; authorization from environmental improvement board to terminate the individual's certification; correspondence; memoranda; etc.

D. Retention: 80 years from date of certification.

E. Confidentiality: Inspection reports are confidential under Section 14-2-1 NMSA 1978.

[1.18.667.64 NMAC - N, 7/8/2000]

1.18.667.65 CERTIFICATION OF RADIOLOGIC TECHNOLOGY EDUCATION CURRICULUM:

A. Program: hazardous and radioactive materials.

B. Maintenance system: alphabetical by program name.

C. Description: record concerning institutions seeking certification by the environment department to train individuals in the use of radiologic technology. File may contain descriptions of courses offered, lists of textbooks and educational aids, agreements with licensed practitioners for clinical training, qualifications and résumés of instructors, request for certification, approval or disapproval letter, etc.

D. Retention:

(1) **Certified programs:** 10 years after date certification is terminated.

(2) **Rejected programs:** two years after date of rejection.

[1.18.667.65 NMAC - N, 7/8/2000]

1.18.667.66 RADIOLOGIC TECHNOLOGY REGULATIONS:

A. Program: hazardous and radioactive materials.

B. Maintenance system: numerical by regulation number.

C. Description: record is a bound volume of federal and state regulations governing the certification of individuals and training facilities. File may contain regulations, amendments, etc.

D. Retention: until no longer needed for reference.

[1.18.667.66 NMAC - N, 7/8/2000]

1.18.667.67 RADIOLOGIC TECHNOLOGY HISTORY FILES:

A. Program: hazardous and radioactive materials.

B. Maintenance system: chronological by date created.

C. Description: record concerning changes in federal and state regulation of individuals and training facilities. File may contain correspondence, copies of proposed amendments, approvals of the radiologic technology advisory council and the environmental improvement board, etc.

D. Retention: until regulation is no longer in effect.

[1.18.667.67 NMAC - N, 7/8/2000]

1.18.667.68 GENERAL LICENSES LOG:

- A. **Program:** hazardous and radioactive materials.
- B. **Maintenance system:** alphabetical by material and location.
- C. **Description:** log of any radioactive material that does not require a specific license (e.g., exit signs filled with tritium). Log may contain type of material, who in New Mexico received the material, form or nature of material. Printout notification is received quarterly from manufacturers.
- D. **Retention:** 30 years after destruction of building or facility, then transfer to archives for review and final disposal.

[1.18.667.68 NMAC - N, 7/8/2000]

1.18.667.69 HAZARDOUS WASTE FILES:

- A. **Program:** hazardous and radioactive materials.
- B. **Maintenance system:** alphabetical by name of facility.
- C. **Description:** record concerning hazardous waste permits. File may contain inspections, application for permit, notification, permit, contingency plans, enforcement actions, reports, complaints, etc.
- D. **Retention:** permanent. Transfer to archives 10 years after date created.

[1.18.667.69 NMAC - Rp SRC Rule No. 85-01 Item No. 831, 7/8/2000]

1.18.667.70 OTHER DISCHARGE FACILITY FILES:

- A. **Program:** hazardous and radioactive materials.
- B. **Maintenance system:** alphabetical by name of facility.
- C. **Description:** record concerning notice of intent to discharge hazardous materials. File may contain notice of intent to discharge, discharge plans, enforcement actions, disapproved requests, approved but abandoned requests and requests initiated but never carried to completion.
- D. **Retention:** permanent. Transfer to archives 10 years after date created.

[1.18.667.70 NMAC - Rp SRC Rule No. 85-01 Item No. 832, 7/8/2000]

1.18.667.71-80 [RESERVED]

[1.18.667.71-80 NMAC - N, 7/8/2000]

1.18.667.81 RADIOACTIVE MATERIAL LICENSE AND INSPECTION FILES:

- A. **Program:** radiation protection program.
- B. **Maintenance system:** alphabetical by licensee name.
- C. **Description:** record concerning radioactive material licenses. File may contain application, license, inspection and enforcement actions, reports of incidents, investigation material, etc.
- D. **Retention:** permanent. Transfer to archives 10 years after date created.

[1.18.667.81 NMAC - Rp SRC Rule No. 85-01 Item No. 841, 7/8/2000]

1.18.667.82 X-RAY REGISTRANTS FILES:

- A. **Program:** radiation protection program.
- B. **Maintenance system:** numerical and alphabetical by county number and type of facility.
- C. **Description:** records concerning the registration of and collection of fees for facilities and radiation machines. Files may contain registration form showing registrant name, facility name, address, location of machine, names of practitioners in practice with registrant, type of facility (e.g., hospital, private practice, clinic, etc.), type of practice (e.g., medical, radiologist, dentist, veterinarian, etc.), type of machine (e.g., cabinet x-ray, dental, panoramic, radiography, etc.), machine control manufacturer, machine control model number, machine rating, date manufactured, date installed, inspection forms, lead shielding design, etc.
- D. **Retention:** 30 years after business is closed or individual is no longer in business.

[1.18.667.82 NMAC - Rp SRC Rule No. 85-01 Item No. 845, 7/8/2000]

1.18.667.83 X-RAY SURVEY AND REGISTRATION ROSTER:

- A. **Program:** radiation protection program.
- B. **Maintenance system:** chrononumeric by year and county code.

C. Description: roster of places where x-ray use is licensed. File may contain registration number, name, title, location, registration date, dates of inspections and number of machines and tubes for x-ray vendors, x-ray services, industrial x-ray, medical x-ray and dental x-ray.

D. Retention: until updated.

[1.18.667.83 NMAC - Rp SRC Rule No. 85-01 Item No. 844, 7/8/2000]

1.18.667.84 RADIATION EXPOSURE RECORDS:

A. Program: radiation protection program.

B. Maintenance system: alphabetical by last name.

C. Description: record concerning occupational exposure to radiation. File may contain name of person exposed, dosimetry number, amount of exposure, etc.

D. Retention: permanent. Transfer to archives 10 years after date created.

[1.18.667.84 NMAC - Rp SRC Rule No. 85-01 Item No. 846, 7/8/2000]

1.18.667.85 MONITORING DATA:

A. Program: radiation protection program.

B. Maintenance system: filed in 1.18.667.81 NMAC *radioactive material license and inspection files*.

C. Description: data derived from monitoring radiation sources in the environment.

D. Retention: permanent (see 1.18.667.81 NMAC *radioactive material license and inspection files*).

[1.18.667.85 NMAC - Rp SRC Rule No. 85-01 Item No. 850, 7/8/2000]

1.18.667.86 INCIDENT AND ACCIDENT REPORTS:

A. Program: radiation protection program.

B. Maintenance system: filed in 1.18.667.81 NMAC *radioactive material license and inspection files*.

C. Description: investigative reports of incidents and accidents involving radioactive material.

D. Retention: permanent (see 1.18.667.81 NMAC *radioactive material license and inspection files*).

[1.18.667.86 NMAC - Rp SRC Rule No. 85-01 Item No. 851, 7/8/2000]

1.18.667.87 [RESERVED]

[1.18.667.87 NMAC - N, 7/8/2000]

1.18.667.88 WASTE WATER DISCHARGE PERMIT FILES:

A. Program: ground water quality

B. Maintenance system: numerical by permit number

C. Description: records concerning the issuance of permits to owner or operator of a facility and required compliance with the regulations of waste water discharge. File may include permit application (i.e., name of organization, address, etc.), copy of permit, monitoring reports, applicant and public correspondence, etc.

D. Retention: five years from termination of permit, then transfer to archives for review and final disposition

E. Confidentiality: Portions of record may contain confidential information per Section 74-6-15 NMSA 1978 Confidential information, penalties (i.e., business records entitled to protection).

[1.18.667.88 NMAC - N, 5/14/2007]

1.18.667.89 SITE INVESTIGATION AND CLEAN UP FILES:

A. Program: ground water quality

B. Maintenance system: alphabetically by name of site

C. Description: records concerning compliance with environmental restoration of property and resources damaged by spills and discharges not under federal jurisdiction. File may include investigation reports, laboratory data, legal records, correspondence, etc.

D. Retention: 30 years after case closed, then transfer to archives for review and final disposition

E. Confidentiality: Portions of record may contain confidential information per Section 74-6-15 NMSA 1978 Confidential information, penalties (i.e., business records entitled to protection).

[1.18.667.89 NMAC - N, 5/14/2007]

1.18.667.90 ABATEMENT PLAN FILES:

- A. Program:** ground water quality
- B. Maintenance system:** numerical by issued abatement plan number
- C. Description:** records concerning the abatement stage one (investigations to determine site and extent of contamination) and abatement stage two (clean up plan) for site clean up of ground water pollution. Files may include investigation reports, monitoring reports, analytical reports, etc.
- D. Retention:** five years from completion of abatement plan, then transfer to archives for review and final disposition
[1.18.667.90 NMAC - N, 5/14/2007]

1.18.667.91 SUPERFUND COST RECOVERY GRANT FILES:

- A. Program:** ground water quality
- B. Maintenance system:** chronological by year, then alphabetical by name of site
- C. Description:** records concerning environment department requests for federal environmental protection agency superfund grant funds that are relevant to cost recovery efforts through the court. Files may include preliminary plans and proposals to and from the environmental protection agency, award letters with documentation, requests and permissions to move funds from one account to another, justification for commitment or spending of funds, financial data for sites and amounts, final approval from the environmental protection agency closing out file, correspondence, memoranda, etc.
- D. Retention:** 30 years after case closed
- E. Confidentiality:** Portions of record may contain confidential information per Section 74-6-15 NMSA 1978 Confidential information, penalties (i.e., business records entitled to protection).
[1.18.667.91 NMAC - N, 7/8/2000; A, 5/14/2007]

1.18.667.92 SUPERFUND TECHNICAL AND RESEARCH FILES:

- A. Program:** ground water quality
- B. Maintenance system:** chronological by year, then alphabetical by name of site
- C. Description:** records concerning technical documentation for superfund environmental investigation and cleanup projects. Files may contain records of property ownership; research of county records; determination of locations near pueblos or federal lands; maps; geological data; monitoring data; laboratory results for air, water or soil analysis; data analysis including modeling for environmental site conditions; topographical maps; interviews with former workers and neighbors; reports; superfund scoring summaries; correspondence; memoranda; etc.
- D. Retention:** 30 years after the environment department in concurrence with the environmental protection agency approves closing of the case file, then transfer to archives for review and final disposal.
- E. Confidentiality:** Portions of record may contain confidential information per Section 74-6-15 NMSA 1978 Confidential information, penalties (i.e., business records entitled to protection, health records or enforcement sensitive records).
[1.18.667.92 NMAC - N, 7/8/2000; A, 5/14/2007]

1.18.667.93 LABORATORY DATA FILES:

- A. Program:** ground water quality
- B. Maintenance system:** chronological by year, then alphabetical by name of site
- C. Description:** records concerning laboratory data including original environmental protection agency laboratory reports documenting test results for soil, ground water, surface water and air samples. Files may contain biological tissue sample results from plants and animals, etc.
- D. Retention:** 30 years after the environment department in concurrence with the environmental protection agency approves closing of the case file, then transfer to archives for review and final disposition
[1.18.667.93 NMAC - N, 7/8/2000; A, 5/14/2007]

1.18.667.94 [RESERVED]

[1.18.667.94 NMAC - N, 7/8/2000; Repealed, 5/14/2007]

1.18.667.95 [RESERVED]

[1.18.667.95 NMAC - N, 7/8/2000; Repealed, 5/14/2007]

1.18.667.96 [RESERVED]

[1.18.667.96 NMAC - N, 7/8/2000; Repealed, 5/14/2007]

1.18.667.97-100 [RESERVED]

[1.18.667.97-100 NMAC - N, 7/8/2000]

1.18.667.101 WATER QUALITY MANAGEMENT GRANT FILES:

- A. Program:** surface water quality.
- B. Maintenance system:** alphabetical by name of applicant.
- C. Description:** records concerning the grants issued by the environmental protection agency for creation of plans for compliance with water quality protection planning regulations. File may contain grant application, notice of grant approval or rejection, memorandum of agreement, financial reports, etc.
- D. Retention:** until audit report is released.

[1.18.667.101 NMAC - N, 7/8/2000]

1.18.667.102 WATER QUALITY MANAGEMENT PLAN FILES:

- A. Program:** surface water quality.
- B. Maintenance system:** alphabetical by site name and date received.
- C. Description:** records concerning plans for compliance with water quality protection planning regulations. File may contain category of work element (e.g., population projections, establishment of boundaries, etc.), notice of hearings, copies of transcripts, findings, records on decisions, updates, comments, correspondence, memoranda, etc.
- D. Retention:** three years after submission of final financial report per 40 CFR 131.

[1.18.667.102 NMAC - Rp SRC Rule No. 85-01 Item No. 861, 7/8/2000]

1.18.667.103 305B REPORTS:

- A. Program:** surface water quality.
- B. Maintenance system:** chronological by year of report.
- C. Description:** record concerning report prepared for submission to the US congress by the state of New Mexico pursuant to section 305(b) of the Federal Clean Water Act. Report contains information on all water quality and pollution control projects for a two-year period. Report may show statistical information on water quality and water pollution control, ground and surface water quality, the state's role in water quality management, programs for water quality, programs for ground and surface water pollution control, changes in water quality, state enforcement and information on numbers and types of violations, program evaluation, effectiveness, directions and regulatory revisions.

- D. Retention:** permanent per 33 USC 1251. Transfer to archives 10 years after date prepared.

[1.18.667.103 NMAC - N, 7/8/2000]

1.18.667.104 CONTINUING PLANNING PROCESS FILES:

- A. Program:** surface water quality.
- B. Maintenance system:** chronological by date of development.
- C. Description:** record concerning documentation of the process used to develop the water quality management plan. Files may contain public hearing documents, public meeting documents, public comments, process for effluent limitations, process for total maximum daily loads ranking, process for maintaining water quality management plans, regional administrator review, correspondence, memoranda, etc.

- D. Retention:** permanent per 40 CFR 130.5 and 33 USC 1251. Transfer to archives 10 years after date project is completed.

[1.18.667.104 NMAC - N, 7/8/2000]

1.18.667.105 TOTAL MAXIMUM DAILY LOADS FILES:

- A. Program:** surface water quality.
- B. Maintenance system:** alphabetical by name of site.
- C. Description:** records concerning the subject or informational files with documentation for water quality assessments made available to staff and to the public. Files may contain field books, photographic documentation, raw data, water quality assessments, etc.

- D. Retention:** permanent per 33 USC 1251. Transfer to archives 10 years after date prepared.

[1.18.667.105 NMAC - N, 7/8/2000]

1.18.667.106-110 [RESERVED]

[1.18.667.106-110 NMAC - N, 7/8/2000]

1.18.667.111 WATER QUALITY SURVEILLANCE FILES:

- A. Program:** surveillance and standards.
- B. Maintenance system:** geographical and chronological by water quality standards basin and survey date.
- C. Description:** records concerning the application of New Mexico water quality control commission regulations for surveys of point source discharges to surface waters and surface water pollution control. Files may contain staff reports, supporting data on field and laboratory measurements, field notes, correspondence, memoranda, etc.
- D. Retention:** six years after date of survey.

[1.18.667.111 NMAC - Rp SRC Rule No. 85-01 Item No. 862, 7/8/2000]

1.18.667.112 WATER QUALITY SURVEILLANCE REPORTS:

- A. Program:** surveillance and standards.
- B. Maintenance system:** chronological by date of sample.
- C. Description:** reports concerning water quality for all streams and lakes in New Mexico. Reports may contain individual reports on various streams and lakes, raw data summary, photographs, maps, summary of field notes, etc.
- D. Retention:** permanent. Transfer to archives 10 years after date created.

[1.18.667.112 NMAC - N, 7/8/2000]

1.18.667.113-119 [RESERVED]

[1.18.667.113-119 NMAC - N, 7/8/2000]

1.18.667.120 CERTIFICATION MANAGEMENT (CERTMAN) DATABASE:

- A. Program:** certification
- B. Maintenance system:** numerical primary key
- C. Description:** database used to track the certification of all persons, facilities and systems subject to the Utility Operators Certification Act. Data includes application for examination (i.e., individual or facility name, identifying number, social security number, address, etc), renewal certification status, system classification status, operator survey data, compliance data, etc.
- D. Retention:**
 - (1) **Certification data:** four years after certification is terminated
 - (2) **Examination data:**
 - (a) **Passed:** four years from date of examination
 - (b) **Failed:** one year from date of examination
 - (3) **Operator credit data:** four years after close of calendar year in which created
 - (4) **Enforcement data:** 30 years after date of resolution
- E. Confidentiality:** portions of record may contain confidential information per 5 USC, Section 552a (i.e., social security number), per CFR 40 Subsection 53.15 (i.e., trade secrets and confidential or privileged information) and per 20 USC, Section 9573 Confidentiality.
- F. Input:** all documents used as input for the *certification management database* are filed in the *water and wastewater operator certification files, water and wastewater training credit file and water and wastewater facility enforcement files*. Those documents include the following *application for examination for utility operator certification, reciprocity application utility operator certification, utility operator certification compliance survey, application for renewal of utility operator certification, etc*.
- G. Output:** Because the *certification management database* is a data-based system, ad hoc reports may be generated upon request or demand. When produced these reports are forwarded to the requesting entity.

[1.18.667.120 NMAC - N, 7/23/2007]

1.18.667.121 WATER AND WASTEWATER OPERATOR CERTIFICATION FILES:

- A. Program:** certification

B. Maintenance system: chronological by date of test session then, alphabetical by name of applicant

C. Description: records concerning the certification of all persons, facilities and systems subject to the Utility Operators Certification Act (Sections 61-33-1 through 10 NMSA 1978). Files may contain application for examination, examination answer sheet with score, résumé or experience profile, transcripts, application for reciprocity with other states, renewal certification documentation, correspondence, memoranda, etc.

D. Retention:

(1) **Passed:** four years from date of examination

(2) **Failed:** one year from date of examination

E. Confidentiality: portions of record may contain confidential information per 5 USC, Section 552a (i.e., social security number) and per 20 USC, Section 9573 Confidentiality.

[1.18.667.121 NMAC - Rp SRC Rule No. 85-01 Item No. 864, 7/8/2000; A, 7/23/2007]

1.18.667.122 [RESERVED]

[1.18.667.122 NMAC - Rp SRC Rule No. 85-01 Item No. 865, 7/8/2000, Repealed, 7/23/2007]

1.18.667.123 WATER AND WASTEWATER TRAINING CREDIT FILES:

A. Program: certification

B. Maintenance system: chronoalphabetical by date received and name of training provider

C. Description: records concerning information on water and wastewater operator certification training being offered and a list provided by training providers showing those persons who attended training and the training credits they received. Files may contain instructor résumé and qualifications; a list showing date of training, location, subject and number of credits for each attendee; correspondence; memoranda; etc.

D. Retention: four years from date of credit earned

E. Confidentiality: portions of record may contain confidential information per 5 USC, Section 552a (i.e., social security number) and per 20 USC, Section 9573 Confidentiality.

[1.18.667.123 NMAC - Rp SRC Rule No. 85-01 Item No. 866, 7/8/2000; A, 7/23/2007]

1.18.667.124 WATER AND WASTEWATER FACILITY ENFORCEMENT FILES:

A. Program: certification

B. Maintenance system: alphabetical by operator or company name

C. Description: records concerning the enforcement actions against operators, facilities and systems for violations of the Utility Operators Certification Act (Sections 61-33-1 through 10 NMSA 1978). Files may contain utility operator survey, plan for compliance, water and wastewater system classification level, newspaper articles, notice of public hearings, legal opinions, correspondence, final disposition, memoranda, etc.

D. Retention: 10 years after date of resolution, then transfer to archives for review and final disposition

E. Confidentiality: portions of record may contain confidential information per 5 USC, Section 552a (i.e., social security number), per CFR 40 Subsection 53.15 (i.e., trade secrets and confidential or privileged information) and per 20 USC, Section 9573 Confidentiality.

[1.18.667.124 NMAC - Rp SRC Rule No. 85-01 Item No. 867, 7/8/2000; A, 7/23/2007]

1.18.667.125 [RESERVED]

[1.18.667.125 NMAC - N, 7/8/2000; Repealed, 7/23/2007]

1.18.667.126-130 [RESERVED]

[1.18.667.126-130 NMAC - N, 7/8/2000]

1.18.667.131 WASTEWATER TREATMENT PLANT FILES:

A. Program: point source regulation.

B. Maintenance system: alphabetical by name of facility or plant.

C. Description: records concerning the water quality control commission regulations for the permitting process of wastewater treatment plants. Files may contain permit application, plans, specifications, state reports and data, state enforcement documentation, newspaper notices, correspondence, memoranda, etc.

D. Retention: permanent. Transfer to archives 10 years after date created.

[1.18.667.131 NMAC - Rp SRC Rule No. 85-01 Item No. 872, 7/8/2000]

1.18.667.132 WASTEWATER TREATMENT PLANT FEDERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FILES:

A. Program: point source regulation.
B. Maintenance system: alphabetical by name of facility or plant.
C. Description: records concerning the regulations for the national pollutant discharge elimination system permit process that establishes effluent limitations for discharges into or below the surface of the ground. Files may contain permit application, plans, specifications, national pollutant discharge elimination system permit, monitoring reports, national pollutant discharge elimination system reports and enforcement documentation, correspondence, memoranda, etc.

D. Retention: permanent. Transfer to archives 10 years after date created.
[1.18.667.132 NMAC - Rp SRC Rule No. 85-01 Item No. 873, 7/8/2000]

1.18.667.133 ANIMAL CONFINEMENT FILES:

A. Program: point source regulation.
B. Maintenance system: alphabetical by name of facility.
C. Description: records concerning the water quality control commission regulations and permits of effluent discharges for animal confinement facilities. Files may contain permit application, plans, specifications, copies of permits, state reports and data, sample results, state enforcement documentation, newspaper notices, correspondence, memoranda, etc.

D. Retention: permanent. Transfer to archives 10 years after date created.
[1.18.667.133 NMAC - Rp SRC Rule No. 85-01 Item No. 874, 7/8/2000]

1.18.667.134 ANIMAL CONFINEMENT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FILES:

A. Program: point source regulation.
B. Maintenance system: alphabetical by name of facility.
C. Description: records concerning the regulations for the national pollutant discharge elimination system permit process that establishes effluent limitations for discharges into or below the surface of the ground. Files may contain permit application, plans, specifications, national pollutant discharge elimination system permit, monitoring reports, national pollutant discharge elimination system reports and enforcement documentation, correspondence, memoranda, etc.

D. Retention: permanent. Transfer to archives 10 years after date created.
[1.18.667.134 NMAC - Rp SRC Rule No. 85-01 Item No. 875, 7/8/2000]

1.18.667.135 COUNTY AND CITY FILES:

A. Program: point source regulation.
B. Maintenance system: alphabetical by name of city or county.
C. Description: records concerning notification of any discharge of water contaminants from any facility. Files may contain pollution or spill investigation and report detailing facility; duration of the discharge; source and cause of discharge; description of the discharge, including its chemical composition; estimated volume of discharge; corrective actions taken to mitigate damage; operation and maintenance inspection reports; correspondence; memoranda; etc.

D. Retention: permanent. Transfer to archives 10 years after date created.
[1.18.667.135 NMAC - Rp SRC Rule No. 85-01 Item No. 876, 7/8/2000]

1.18.667.136 PUBLICLY OWNED MUNICIPAL WASTEWATER TREATMENT PLANT FILES:

A. Program: point source regulation.
B. Maintenance system: alphabetical by name of facility or plant.
C. Description: records concerning the water quality control commission regulations for the permitting process of publicly owned municipal wastewater treatment plants. Files may contain permit application, plans, specifications, state reports and data, state enforcement documentation, newspaper notices, correspondence, memoranda, etc.

D. Retention: permanent. Transfer to archives 10 years after date created.
[1.18.667.136 NMAC - Rp SRC Rule No. 85-01 Item No. 868, 7/8/2000]

1.18.667.137 PUBLICLY OWNED MUNICIPAL WASTEWATER TREATMENT PLANT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FILES:

- A. Program:** point source regulation.
- B. Maintenance system:** alphabetical by name of facility or plant.
- C. Description:** records concerning the regulations for the national pollutant discharge elimination system permit process that establishes effluent limitations for discharges into or below the surface of the ground. Files may contain permit application, plans, specifications, national pollutant discharge elimination system permit, monitoring and inspection reports, national pollutant discharge elimination system reports and enforcement documentation, pretreatment documentation, correspondence, memoranda, etc.
- D. Retention:** permanent. Transfer to archives 10 years after date created.

[1.18.667.137 NMAC - Rp SRC Rule No. 85-01 Item No. 869, 7/8/2000]

1.18.667.138 NON-MUNICIPAL WASTEWATER TREATMENT PLANT FILES:

- A. Program:** point source regulation.
- B. Maintenance system:** alphabetical by name of facility or plant.
- C. Description:** records concerning the water quality control commission regulations for the permitting process for non-municipal wastewater treatment plants. Files may contain permit application, plans, specifications, state reports and data, state enforcement documentation, newspaper notices, correspondence, memoranda, etc.
- D. Retention:** permanent. Transfer to archives 10 years after date created.

[1.18.667.138 NMAC - Rp SRC Rule No. 85-01 Item No. 870, 7/8/2000]

1.18.667.139 NON-MUNICIPAL WASTEWATER TREATMENT PLANT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FILES:

- A. Program:** point source regulation.
- B. Maintenance system:** alphabetical by name of facility or plant.
- C. Description:** records concerning the regulations for the national pollutant discharge elimination system permit process that establishes effluent limitations for discharges into or below the surface of the ground. Files may contain permit application, plans, specifications, national pollutant discharge elimination system permit, monitoring and inspection reports, national pollutant discharge elimination system reports and enforcement documentation, pretreatment documentation, correspondence, memoranda, etc.
- D. Retention:** permanent. Transfer to archives 10 years after date created.

[1.18.667.139 NMAC - Rp SRC Rule No. 85-01 Item No. 871, 7/8/2000]

1.18.667.140-150 [RESERVED]

[1.18.667.140-150 NMAC - N, 7/8/2000]

1.18.667.151 DEPARTMENT OF ENERGY PROJECT FILES:

- A. Program:** department of energy oversight bureau.
- B. Maintenance system:** alphabetical by location site.
- C. Description:** hard copy input record for 1.18.667.152 NMAC department of energy project system. Records concern state of New Mexico authorization to operate a hazardous waste management program and enforcement of regulations for federal facilities. Files may contain site description, site assessment for soil erosion, maps, data on samples, data on soil contamination, data on local water, data on habitat, data on monitoring, analysis and testing, copy of final report, correspondence, memoranda, etc.
- D. Retention:** 20 years after cleanup or final evaluation of project.

[1.18.667.151 NMAC - N, 7/8/2000]

1.18.667.152 DEPARTMENT OF ENERGY PROJECT SYSTEM:

- A. Program:** department of energy oversight bureau.
- B. Maintenance system:** [RESERVED]
- C. Description:** system maintains and tracks information on New Mexico federal projects involving the operation of federal hazardous waste facilities and the management program and enforcement of regulatory data for federal facilities. Database may contain site description, site assessment for soil erosion, maps, data on samples, data on soil contamination, data on local water quality, data on habitat, data on monitoring, analysis and testing, final report, electronic mail, correspondence, memoranda, etc.

D. Retention: data is retained for 20 years after cleanup or final evaluation of project. For retention of system, software and documentation, refer to 1.15.2.301 NMAC *general administrative records*.
[1.18.667.152 NMAC - N, 7/8/2000]

1.18.667.153 DEPARTMENT OF ENERGY ANNUAL REPORT:

- A. Program:** department of energy oversight program.
- B. Maintenance system:** chronological by year of report.
- C. Description:** annual report regarding oversight and monitoring programs at department of energy facilities in New Mexico. Report may show assessment results of data for New Mexico federal hazardous waste facilities, data on personnel, administration, investigations, restoration, surveillance, public meetings, etc.
- D. Retention:** permanent. Transfer to archives 10 years after date created.
[1.18.667.153 NMAC - N, 7/8/2000]

1.18.667.154 DEPARTMENT OF ENERGY TECHNICAL REPORT:

- A. Program:** department of energy oversight bureau.
- B. Maintenance system:** chronological by year of report.
- C. Description:** annual report regarding documentation and information on activities of department of energy oversight staff. File may contain sampling data, lab reports, summarized field notes, maps, correspondence, report excerpts, memoranda, etc.
- D. Retention:** permanent. Transfer to archives 10 years after date created.
[1.18.667.154 NMAC - N, 7/8/2000]

1.18.667.155-160 [RESERVED]

[1.18.667.155-160 NMAC - N, 7/8/2000]

1.18.667.161 SOLID WASTE FACILITY FILES:

- A. Program:** solid waste.
- B. Maintenance system:** alphabetical by name of facility.
- C. Description:** records concerning the establishment of a solid waste management program to plan for and regulate cost-effective and environmentally safe reduction, storage, collection, transportation, separation, processing, recycling and disposal of solid waste. Files may contain research information on facility location, design, permit application, maps, drawings, photographs, hearing transcripts, operation history, ground water monitoring results, enforcement, violations, closure plans, annual reports, financial assurance documents, correspondence, memoranda, etc.
- D. Retention:** permanent. Transfer to archives 10 years after date created.
[1.18.667.161 NMAC - N, 7/8/2000]

1.18.667.162 TIRE RECYCLING GRANT FILES:

- A. Program:** solid waste.
- B. Maintenance system:** alphabetical by name of local government applicant.
- C. Description:** records concerning allocation of grant funds to counties or municipalities for tire recycling plants to implement the provisions of the Tire Recycling Act. Files may contain application, original grant agreement, reimbursement requests, annual reports, project closing reports, copies of state audits, correspondence, memoranda, etc.
- D. Retention:** six years after termination of grant agreement or three years after closure of facility, whichever is longer.
[1.18.667.162 NMAC - N, 7/8/2000]

1.18.667.163 TIRE RECYCLING FACILITY FILES:

- A. Program:** solid waste.
- B. Maintenance system:** alphabetical by name of facility.
- C. Description:** records concerning the establishment of a program to plan for and regulate cost-effective and environmentally safe reduction, storage, collection, transportation, separation, processing, recycling and disposal of scrap tires. Files may contain research information on facility location, design, permit application, maps, drawings, photographs, hearing transcripts, operation history, enforcement, violations, closure plans, annual reports, financial assurance documents, correspondence, memoranda, etc.

D. Retention: permanent. Transfer to archives 10 years after date created.
[1.18.667.163 NMAC - N, 7/8/2000]

1.18.667.164 URANIUM MINE TAILINGS REMEDIATION ACT FILES:

A. Program: solid waste.
B. Maintenance system: alphabetical by name of facility or mine.
C. Description: records concerning the federally funded monitoring, cleanup and closure of facilities and reclamation of mines and facilities. Files may contain monitoring data; testing and analysis data on soil, water and air; disposal requirements; permits for closure; licenses for closure and disposal; final reports to federal and state agencies; correspondence; memoranda; etc.

D. Retention: permanent. Transfer to archives 10 years after date created.
[1.18.667.164 NMAC - N, 7/8/2000]

1.18.667.165 HAULER REGISTRATION FILES:

A. Program: solid waste.
B. Maintenance system: alphabetical by name of individual or facility registrant.
C. Description: records concerning the registration and certification of any person transporting solid waste for hire for the purpose of disposing the solid waste in a solid waste facility. File may contain application, registration, copy of certificate, business financial statements, enforcement documentation, correspondence, memoranda, etc.

D. Retention: seven years after individual or facility is no longer in business.
E. Confidentiality: portions of record may be confidential.
[1.18.667.165 NMAC - N, 7/8/2000]

1.18.667.166 OPERATOR CERTIFICATION FILES:

A. Program: solid waste.
B. Maintenance system: alphabetical by name of individual.
C. Description: records concerning the training, testing, certification and professional demeanor of any person operating a landfill, transfer station, transformation facility, recycling facility or compost operation. File may contain application, test papers, copy of certificate, record of interim training, copies of other certificates, record of other training, record of retesting and recertification, correspondence, memoranda, etc.

D. Retention: five years after expiration of certificate.
E. Confidentiality: portions of record may contain confidential information.
[1.18.667.166 NMAC - N, 7/8/2000]

1.18.667.167 CBI DISCLOSURE FILES:

A. Program: solid waste.
B. Maintenance system: alphabetical by name of individual or facility.
C. Description: records concerning the financial disclosure as required by Section 74-9-35 NMSA 1978 and as part of the financial responsibility requirements for solid waste generators and operators of solid waste facilities. File may contain financial disclosure statements, background checks, confidential business information, correspondence, memoranda, etc.

D. Retention: 30 years after closure of facility or business.
E. Confidentiality: portions of record may contain confidential information (18 USC 1905).
[1.18.667.167 NMAC - N, 7/8/2000]

1.18.667.168-170 [RESERVED]

[1.18.667.168-170 NMAC - N, 7/8/2000]

1.18.667.171 COMPLIANCE INSPECTION CASE FILES:

A. Program: occupational safety and health.
B. Maintenance system: alphabetical by company name.
C. Description: records concerning the inspections of businesses and industries for compliance with occupational safety and health administration regulations. Files may contain employee interviews, copy of company safety manuals, violation work sheet, copy of citation, written corrective action plans, copies of checks, letter of

acknowledgement for payment received, check transmittal to administrative services division financial services bureau, correspondence, memoranda, etc.

D. Retention: three years after case closed.

[1.18.667.171 NMAC - N, 7/8/2000]

1.18.667.172 DISCRIMINATION CASE FILES:

A. Program: occupational safety and health.

B. Maintenance system: chronological by case number.

C. Description: records concerning individuals who exercise their rights under Section 50-9-25 NMSA 1978, which prohibits dismissal of employees who refuse to work in unsafe working conditions. Files may contain investigation case file, interviews with employer, interviews with employee, copies of documentation, correspondence, memoranda, etc.

D. Retention: 10 years after case closed.

[1.18.667.172 NMAC - Rp SRC Rule No. 85-01 Item No. 910, 7/8/2000]

1.18.667.173 SURVEY OF OCCUPATION INJURIES AND ILLNESSES:

A. Program: occupational safety and health.

B. Maintenance system: chronological by year of survey.

C. Description: records concerning occupational safety and health administration and US bureau of labor statistics survey of employers about occupational injuries and illnesses as well as information about the number of employees and hours worked at business establishments. Files may contain office of management and budget form 1220-0045 (survey of occupational injuries and illnesses), which shows name of employer, company name, number of employees, unemployment insurance number, data on average employment, hours worked and summary of work related injuries; copies of case with days away from work form; occupational safety and health administration form 200 (log and summary of occupational injuries and illnesses); workers' compensation report; accident report; insurance form; occupational safety and health administration form 101 (supplementary record of occupational injuries and illnesses); etc.

D. Retention: five years after publication of data.

E. Confidentiality: information is confidential and used only for statistical purposes under Public Law 91-596.

[1.18.667.173 NMAC - Rp SRC Rule No. 85-01 Item No. 902, 7/8/2000]

[Data is transmitted electronically on a daily basis to a national database maintained by the bureau of labor statistics.]

1.18.667.174 CENSUS OF FATAL OCCUPATIONAL INJURIES FILES:

A. Program: occupational safety and health.

B. Maintenance system: numerical by case number.

C. Description: record concerning information on fatal occupational injuries. Files may contain name of employee, age, date of birth, ethnicity, place of residence, newspaper clippings, report from medical investigator, autopsy report, toxicology report, copy of death certificate, police accident report, occupational safety and health administration investigation report, occupational safety and health form 36 (fatality or catastrophe report), correspondence, memoranda, etc.

D. Retention: 10 years after date created.

E. Confidentiality: information is confidential and used only for statistical purposes.

[1.18.667.174 NMAC - N, 7/8/2000]

1.18.667.175 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION DATA INITIATIVE COLLECTION SURVEY FILES:

A. Program: occupational safety and health.

B. Maintenance system: numerical by office of management and budget control number.

C. Description: records concerning the US department of labor, occupational safety and health administration and state agencies joint efforts to compile occupational injury and illness data from employers within specific industry and employment size specifications. Information is used to focus occupational safety and health administration activities (i.e., inspections, outreach, consultations, technical assistance, etc.) and to measure the performance of the agency in meeting goals of reducing workplace injuries and illnesses. Files may contain information on the number of employees in the establishment, number of hours employees worked, occupational

safety and health administration form 200 (log and summary of occupational injuries and illnesses), which shows the total number of occupational injuries and illnesses that occurred at each establishment, etc. Occupational safety and health administration form 200 is a hard copy input record for 1.18.667.186 NMAC *occupational safety and health data initiative collection survey (DATCO) database*.

D. Retention: five years after publication of data.
[1.18.667.175 NMAC - N, 7/8/2000]

1.18.667.176 INTEGRATED MANAGEMENT INFORMATION SYSTEM:

A. Program: occupational safety and health.
B. Maintenance system: [RESERVED]
C. Description: integrated management information system supports word processing, electronic mail and spreadsheet capabilities and maintains database for information on occupational safety and health administration inspections, referrals, interventions, complaints, violations, sampling, catastrophes, accidents and fatalities. Data is transmitted electronically on a daily basis to the national occupational safety and health administration database.
D. Retention: retention of data is permanent. For retention of system, software and documentation, refer to 1.15.2.301 NMAC *general administrative records*.

E. Confidentiality: portions of database may contain confidential information under Occupational Safety and Health Act, Sections 50-9-1 through 25 NMSA 1978.
[1.18.667.176 NMAC - N, 7/8/2000]

1.18.667.177 COMPLAINTS LOG:

A. Program: occupational safety and health.
B. Maintenance system: alphanumerical by name of company and complaint number.
C. Description: hard copy input record for 1.18.667.176 NMAC *integrated management information system*. Record of telephone, letter, memo or e-mail notifications from concerned citizens or former employees in business or industry about unsafe working conditions.

D. Retention: until data is input and verified.
[1.18.667.177 NMAC - N, 7/8/2000]

1.18.667.178 REFERRALS REPORT (FORM OSHA-26):

A. Program: occupational safety and health.
B. Maintenance system: alphabetical by company name.
C. Description: hard copy output record from 1.18.667.176 NMAC *integrated management information system*. Report shows reporting identification number, establishment information, industry and ownership, source, referral classification, hazard description, referral action, close referral, comments, inspection report, fine or violation, date of employer response, etc.

D. Retention: three years after case closed.
E. Confidentiality: portions of record may contain confidential information under Sections 50-9-1 through 25 NMSA 1978.
[1.18.667.178 NMAC - N, 7/8/2000]

1.18.667.179 CONSULTATION REPORT:

A. Program: occupational safety and health.
B. Maintenance system: chronoalphabetical by date created and company name.
C. Description: hard copy output record from 1.18.667.176 NMAC *integrated management information system*. Report concerns requests for technical service for compliance with occupational safety and health regulations. Report may contain request date, visit date, violations, date of abatement, extensions of abatement, standard industry classification code, type of service, training, program assistance, case closed date, etc.

D. Retention: three years after case closed.
E. Confidentiality: portions of record may contain confidential information under Sections 50-9-1 through 25 NMSA 1978.

[1.18.667.179 NMAC - Rp SRC Rule No. 85-01 Item No. 906, 7/8/2000]

1.18.667.180 INTERVENTION ACTIVITY REPORT (FORM OSHA-66):

A. Program: occupational safety and health.

B. Maintenance system: chronoalphabetical by date created and company name.

C. Description: hard copy output record from 1.18.667.176 NMAC *integrated management information system*. Report tracks requests from employers or the public for information of clarification of occupational safety and health regulations. Report shows name of consultant, establishment identification, establishment address, narrative from consultant, etc.

D. Retention: three years after case closed.
[1.18.667.180 NMAC - N, 7/8/2000]

1.18.667.181 COMPLAINTS REPORT:

A. Program: occupational safety and health.

B. Maintenance system: chronoalphabetical by date created and company name.

C. Description: hard copy output record from 1.18.667.176 NMAC *integrated management information system*. Report tracking employee or representative complaints received by department and concerning any alleged violation of a regulation concerning any unsafe or hazardous working condition. Report may contain narrative of formal written and non-formal complaints received by the department; form OSHA-7 (notice of alleged safety or health hazards), which shows date, employer name, site location, type of business, hazard description, hazard location, complainant name, address, complaint evaluation, complaint action, close complaint and comments; responses from company; notice of corrective action; etc.

D. Retention: three years after case closed.

E. Confidentiality: portions of record may contain confidential information under Sections 50-9-1 through 25 NMSA 1978.
[1.18.667.181 NMAC - N, 7/8/2000]

1.18.667.182 VIOLATIONS REPORT:

A. Program: occupational safety and health.

B. Maintenance system: chronoalphabetical by date created and company name.

C. Description: hard copy output record from 1.18.667.176 NMAC *integrated management information system*. Report tracks business and industry violations of occupational safety and health regulations. Report may contain information on the status of violations, classification of violation, penalty, abatement date, etc.

D. Retention: three years after case closed.

E. Confidentiality: portions of record may contain confidential information under Sections 50-9-1 through 25 NMSA 1978.
[1.18.667.182 NMAC - N, 7/8/2000]

1.18.667.183 SAMPLING REPORT:

A. Program: occupational safety and health.

B. Maintenance system: chronoalphabetical by date created and company name.

C. Description: hard copy output record from 1.18.667.176 NMAC *integrated management information system*. Report contains sampling data from inspections for compliance with occupational safety and health regulations. Report may contain information on the type of sample, type of substance sampled for, noted overexposures, noted violations, etc.

D. Retention: three years after case closed.

E. Confidentiality: portions of record may contain confidential information under Sections 50-9-1 through 25 NMSA 1978.
[1.18.667.183 NMAC - N, 7/8/2000]

1.18.667.184 CATASTROPHES REPORT:

A. Program: occupational safety and health.

B. Maintenance system: chronoalphabetical by date created and company name.

C. Description: hard copy output record from 1.18.667.176 NMAC *integrated management information system*. Report tracks business and industry work-related fatalities and catastrophes. Report may contain information on establishment name, location of incident, time of incident, number of fatalities or hospitalized employees, contact person, phone number, brief description of the incident, etc.

D. Retention: three years after case closed.

E. Confidentiality: portions of record may contain confidential information under Sections 50-9-1 through 25 NMSA 1978.

[1.18.667.184 NMAC - N, 7/8/2000]

1.18.667.185 AD HOC REPORTS:

- A. **Program:** occupational safety and health.
- B. **Maintenance system:** [RESERVED]
- C. **Description:** hard copy output records from 1.18.667.176 NMAC *integrated management information system*.
- D. **Retention:** until no longer needed.

[1.18.667.185 NMAC - N, 7/8/2000]

1.18.667.186 OCCUPATIONAL SAFETY AND HEALTH DATA INITIATIVE COLLECTION SURVEY (DATCO) DATABASE:

A. **Program:** occupational safety and health.
B. **Maintenance system:** [RESERVED]
C. **Description:** system maintaining and tracking business and industry work-related occupational injury and illness data from employers within specific industry and employment size specifications. Database may contain information on number of employees in establishment, number of hours employees worked, totals of occupational injuries and illnesses that occurred in each establishment, etc.

D. **Retention:** data is retained for one year after date report is issued or until next survey is complete, whichever is longer. For retention of system, software and documentation, refer to 1.15.2.301 NMAC *general administrative records*.

[1.18.667.186 NMAC - N, 7/8/2000]

1.18.667.187 LOG AND SUMMARY OF OCCUPATIONAL ILLNESSES AND INJURIES [RESERVED]:

[1.18.667.187 NMAC - N, 7/8/2000]

1.18.667.188 AD HOC REPORTS: [RESERVED]

[1.18.667.188 NMAC - N, 7/8/2000]

1.18.667.189-200 [RESERVED]

[1.18.667.189-200 NMAC - N, 7/8/2000]

1.18.667.201 AIR QUALITY ENFORCEMENT FILES:

A. **Program:** air quality
B. **Maintenance system:** numerical by agency interest number
C. **Description:** records concerning the enforcement actions against facilities for violations of state and federal regulations. Files may contain emissions reports, sampling reports, plume readings, stack tests, copies of checks, penalty calculations, return mail receipts, complaints, inspections, correspondence, memoranda, etc.

D. **Retention:** 10 years after date created, then transfer to archives for review and final disposition

E. **Confidentiality:** Portions of record may contain confidential information per CFR 40 Subsection 53.15 (i.e., trade secrets and confidential or privileged information).

[1.18.667.201 NMAC - N, 7/8/2000; A, 5/14/2007]

1.18.667.202 ASBESTOS ENFORCEMENT FILES:

A. **Program:** air quality
B. **Maintenance system:** numerical by agency interest number
C. **Description:** records concerning the enforcement actions for violations of state and federal national emission standards for hazardous air pollutants regulations. Files may contain notice of demolition or renovation from owners or contractors showing owner of facility, facility location, name of removal contractor; scheduled start and end date of asbestos removal; waste disposal transporter and site; amounts of asbestos; work path and check list; complaints; shipment manifest from approved landfill; legal documents; correspondence; memoranda; etc.

D. **Retention:** 10 years after date of removal, then transfer to archives for review and final disposition

E. Confidentiality: Portions of record may contain confidential information per CFR 40 Subsection 53.15 (i.e., trade secrets and confidential or privileged information)
[1.18.667.202 NMAC - N, 7/8/2000; A, 5/14/2007]

1.18.667.203 [RESERVED]

[1.18.667.203 NMAC - N, 7/8/2000; Repealed, 5/14/2007]

1.18.667.204 [RESERVED]

[1.18.667.204 NMAC - N, 7/8/2000; Repealed, 5/14/2007]

1.18.667.205 [RESERVED]

[1.18.667.205 NMAC - N, 7/8/2000; Repealed, 5/14/2007]

1.18.667.206 AIR QUALITY PERMIT FILES:

A. Program: air quality

B. Maintenance system: numerical by permit number

C. Description: records concerning the permitting and operating conditions of facilities regulated by the environment department. Files may contain; applications for facility construction and operation, statements of basis, correspondence, supporting documents, reports and studies showing data on operating conditions of plants, amounts of pollution being emitted, findings, conclusions, recommendations, etc.

D. Retention:

(1) **Title five permit application files:** permanent. 15 years after close of calendar year in which last update was created, then transfer to archives

(2) **New source review permit application files:** permanent. 15 years after close of calendar year in which last update was created, then transfer to archives

(3) **Emissions inventory reports:** five years after close of calendar year in which created, transfer to archives for review and final disposition

E. Confidentiality: Portions of record may contain confidential information per CFR 40 Subsection 53.15 (i.e., trade secrets and confidential or privileged information).
[1.18.667.206 NMAC - N, 7/8/2000; A, 5/14/2007]

1.18.667.207 AIR QUALITY HEARING RECORDS:

A. Program: air quality.

B. Maintenance system: chronological by date created.

C. Description: records concerning public hearings for regulations, state implementation plans, facilities requesting permits, modifications to permits or any substantial change in business operations. Files may contain legal notices, transcripts of hearings, public comments, legal opinions, expert testimony, etc.

D. Retention: permanent. Transfer to archives 10 years after date created.

E. Confidentiality: portions of record may contain confidential information (e.g., attorney and client privilege).

[1.18.667.207 NMAC - N, 7/8/2000]

1.18.667.208 QUALITY ASSURANCE FILES:

A. Program: air quality.

B. Maintenance system: chronoalphabetical and numerical by year created, name of site and monitor type.

C. Description: records concerning the performance of each monitor, kept as data forms by site operators. Files may contain record of calibrations, audits, out of service periods and other relevant information for each monitor.

D. Retention: five years after close of calendar year in which created.

[1.18.667.208 NMAC - N, 7/8/2000]

1.18.667.209 SITE AND MONITOR LOG BOOKS:

A. Program: air quality.

B. Maintenance system: alphanumeric by site name and monitor number.

C. Description: records concerning the operation and maintenance of monitoring equipment. Books may contain description of activities performed on monitor and at site location, calibrations, monitor audits, etc.

D. Retention: five years after date of last entry.
[1.18.667.209 NMAC - N, 7/8/2000]

1.18.667.210 QUARTERLY MONITORING DATA INFORMATION FILES:

A. Program: air quality.
B. Maintenance system: chronoalphabetical by date of report and site name.
C. Description: records concerning the monitoring data from each monitoring site. Files may contain printouts of monitor readings that show hourly pollutant data information, data interruption forms showing times when work is being performed on monitor, carbon copies of site and monitor log book sheets, etc.
D. Retention: five years after close of calendar year in which created.

[1.18.667.210 NMAC - N, 7/8/2000]

1.18.667.211 [RESERVED]

[1.18.667.211 NMAC - N, 7/8/2000; Repealed, 5/14/2007]

1.18.667.212 AIR MONITOR FILTERS:

A. Program: air quality.
B. Maintenance system: numerical by air filter number.
C. Description: record containing air filters from monitoring machines used to measure the particulate content of the air. Filters are enclosed in envelopes showing site location, filter number, date collected, etc.

D. Retention: 10 years after close of calendar year in which created.
[1.18.667.212 NMAC - N, 7/8/2000]

1.18.667.213 [RESERVED]

[1.18.667.213 NMAC - N, 7/8/2000; Repealed, 5/14/2007]

1.18.667.214 [RESERVED]

[1.18.667.214 NMAC - N, 7/8/2000; Repealed, 5/14/2007]

1.18.667.215 AIR MONITOR DATABASE:

A. Program: air quality
B. Maintenance system: numerical by primary key
C. Description: database captures and maintains data automatically relayed from monitoring sites throughout New Mexico from air monitoring equipment used to measure contaminant levels of the air content. Data includes the date, time and locations of pollutant concentrations monitored in ambient air, etc.

D. Retention: 10 years after close of calendar year in which data received
E. Input: All data are automatically relayed from electronic air monitors strategically placed throughout the state.
F. Output: Because the *air monitor database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are forwarded to the requesting entities. Those reports include the following *air-now standard report*, *air quality subsystem report*, etc.
[1.18.667.215 NMAC - N, 5/14/2007]

1.18.667.216 TOOLS FOR ENVIRONMENTAL MANAGEMENT ORGANIZATION (TEMPO) DATABASE:

A. Program: environment (air quality, ground water, petroleum, hazardous waste)
B. Maintenance system: numerical by primary key
C. Description: database used to track enforcement actions, compliance reporting, permitting and operating conditions of facilities regulated by the air quality bureau and the ground water bureau of the department. Data includes facility name, facility identifying number, address, permit application data, emissions or discharge report data, complaints data, enforcement data, permit invoicing data, compliance report data, etc.

D. Retention:
(1) **Air quality enforcement data:** permanent

- (2) **Asbestos enforcement data:** permanent
- (3) **Air quality permit data:**
 - (a) **Title five permit application file data:** permanent
 - (b) **New source review permit application file data:** permanent
- (4) **Emissions inventory report data:** five years after close of calendar year in which created
- (5) **Waster water discharge permits data:** five years from termination of permit

E. Confidentiality: Portions of record may contain confidential information per CFR 40 Subsection 53.15 (i.e., trade secrets and confidential or privileged information).

F. Input: all documents used as input for the *tools for environmental management organization system* are filed in the *air quality enforcement files, asbestos enforcement files, landfill inspection files, quarterly monitoring data information files, and air quality permit files*. Those documents include the following *general permit for quarrying and screening operations (GCP-2), general permit for concrete batch plants (GCP-5), permit for combustion sources and related equipment (GCP-4)*, etc.

G. Output: Because the *tools for environmental management organization system* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are forwarded to the requesting entity. Those reports include the following *national emissions inventory, air facility subsystem, permit status reports*, etc.

[1.18.667.216 NMAC - N, 5/14/2007]

[Refer to 1.13.3 NMAC, Management of Electronic Records.]

1.18.667.217-230 [RESERVED]

[1.18.667.217-230 NMAC - N, 7/8/2000]

1.18.667.231 CERTIFIED SCIENTIST EXAMINATIONS:

- A. Program:** underground storage tanks.
- B. Maintenance system:** alphabetical by applicant and company name.
- C. Description:** hard copy input record to 1.18.667.232 NMAC *certified scientist listing database*.

Records concerning the examination and certification of individuals seeking to become certified for remedial action work on leaking underground storage tank sites. File may contain application, application fee log, reservation form, documentation of credentials, result of examination, copy of certificate, continuing education unit hours, approval letter from division offices, documentation of experience requirements, correspondence, memoranda, etc.

- D. Retention:** until individual is re-certified or for one year after certification expires.

[1.18.667.231 NMAC - N, 7/8/2000]

1.18.667.232 CERTIFIED SCIENTIST LISTING DATABASE:

- A. Program:** underground storage tanks.
- B. Maintenance system:** [RESERVED]
- C. Description:** system capturing and maintaining information on certified scientists. Database may contain name of company, address, names of certified individuals within the company, continuing education unit hours, information on certified scientists affiliated with employers, certified scientists affiliated with contractors, applications for the certified scientist examination, examination results, etc.

D. Retention: until superseded by new data. For retention of system, software and documentation, refer to 1.15.2.301 NMAC *general administrative records*.

[1.18.667.232 NMAC - N, 7/8/2000]

1.18.667.233 CERTIFIED SCIENTIST LISTING:

- A. Program:** underground storage tanks.
- B. Maintenance system:** chronoalphabetical by date of examination and scientist name.
- C. Description:** hard copy output record from 1.18.667.232 NMAC *certified scientist listing database*. Report contains a listing of each certified scientist and associated company.

- D. Retention:** until superseded by new listing.

[1.18.667.233 NMAC - N, 7/8/2000]

1.18.667.234 AD HOC REPORTS:

- A. Program:** underground storage tanks.
- B. Maintenance system:**

C. Description: hard copy output records from 1.18.667.232 NMAC *certified scientist listing database*. Reports generated on an as needed or as requested basis.

D. Retention: until no longer needed.
[1.18.667.234 NMAC - N, 7/8/2000]

1.18.667.235 CERTIFIED TANK INSTALLER LISTING SYSTEM:

A. Program: underground storage tanks.

B. Maintenance system: [RESERVED]

C. Description: system capturing and maintaining information on certified tank installers. Database may contain company name, address, name of certified individual in company, phone number, certificate number, examination results, continuing education unit hours, field test results, etc.

D. Retention: Retention of data is permanent. For retention of system, software and documentation, refer to 1.15.2.301 NMAC *general administrative records*.
[1.18.667.235 NMAC - N, 7/8/2000]

1.18.667.236 CERTIFIED TANK INSTALLER LISTING:

A. Program: underground storage tanks.

B. Maintenance system: alphanumeric by name of certified installer and certificate number.

C. Description: hard copy input record for 1.18.667.235 NMAC *certified tank installer listing system*. Records concern the testing and certification of individuals for installation of underground storage tanks for petroleum products. File may contain original application, original test, examination results, documentation of payment received, continuing education units, certificate of training, application for renewal, affidavit form, field test results, correspondence, memoranda, etc.

D. Retention: until individual is re-certified or for one year after certification expires.
[1.18.667.236 NMAC - N, 7/8/2000]

1.18.667.237 ACTIVE TANK OWNER REPORT: [RESERVED]

[1.18.667.237 NMAC - N, 7/8/2000]

1.18.667.238 ACTIVE AND NON-ACTIVE TANK OWNERS REPORT: [RESERVED]

[1.18.667.238 NMAC - N, 7/8/2000]

1.18.667.239 ACTIVE TANK FACILITIES: [RESERVED]

[1.18.667.239 NMAC - N, 7/8/2000]

1.18.667.240 ACTIVE AND NON-ACTIVE TANK FACILITIES: [RESERVED]

[1.18.667.240 NMAC - N, 7/8/2000]

1.18.667.241 AD HOC REPORTS: [RESERVED]

[1.18.667.241 NMAC - N, 7/8/2000]

1.18.667.242 UNDERGROUND STORAGE TANK REGISTRATION DATABASE:

A. Program: underground storage tanks.

B. Maintenance system: [RESERVED]

C. Description: database tracks underground storage tank registration. Database may include notification and location of ownership, site inspection reports, reports on equipment and monitoring of tanks, data on leaks, notices of violation, information on compliance with federal regulations, financial responsibility insurance policy number, etc.

D. Retention: Retention of data is permanent. For retention of system, software and documentation, refer to 1.15.2.301 NMAC *general administrative records*.
[1.18.667.242 NMAC - N, 7/8/2000]

1.18.667.243 TANK REGISTRATION FILES:

A. Program: underground storage tanks.

B. Maintenance system: alphabetical by owner or operator name.

C. Description: hard copy input record for 1.18.667.242 NMAC *underground storage tank registration database*. Record concerning the annual registration and collection of fees for underground storage tanks as required under the provisions of the Groundwater Protection Act. Files may contain notification and location of ownership, site inspection reports, reports on equipment and monitoring of tanks, data on leaks, copy of registration certificate, copies of payments received, copies of invoices, notices of violations, compliance with federal regulations, correspondence, financial responsibility insurance policy number, comments, construction and contents of tank, memoranda, etc.

D. Retention: permanent. Transfer to archives 10 years after date created.
[1.18.667.243 NMAC - N, 7/8/2000]

1.18.667.244 THIRD PARTY LIABILITY INSURANCE FILES:

A. Program: underground storage tanks.
B. Maintenance system: alphabetical by site and owner name.
C. Description: records concerning the statutorily required third-party liability insurance coverage for underground storage tanks. Files may contain the annually issued certificate of insurance showing owner name, name of insurer, address of insurer, name of insured, address of insured, policy number, limits of liability, amounts, copy of endorsement, correspondence, memoranda, etc.

D. Retention: until superseded.
[1.18.667.244 NMAC - N, 7/8/2000]

1.18.667.245 REGISTRATION CERTIFICATES: [RESERVED]

[1.18.667.245 NMAC - N, 7/8/2000]

1.18.667.246 [RESERVED]

[1.18.667.246 NMAC - N, 7/8/2000; A, 5/4/2009]

1.18.667.247 CORRECTIVE ACTION FUND DATABASE:

A. Program: petroleum storage
B. Maintenance system: numerical by primary key
C. Description: database used to manage and maintain information on payments to or expenditures from the corrective action fund. Data may include name and address of contractor, site assessment and work plan information, invoice information, validation of work plan completion data, payment date, warrant number, etc.

D. Data retention: permanent
E. Input: All documents used as input for the *corrective action fund database* are filed in the *corrective action and remediation files*, 1.18.667.254 NMAC.

F. Output: Because the *corrective action fund database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are forwarded to the requesting entity.

[1.18.667.247 NMAC - N, 7/8/2000; A, 5/4/2009]

1.18.667.248 [RESERVED]

[1.18.667.248 NMAC - N, 7/8/2000; Repealed, 5/4/2009]

1.18.667.249 CONTRACTOR'S REPORT:

A. Program: underground storage tanks.
B. Maintenance system: alphabetical by location or site name.
C. Description: contains geological information on the site, details on water supplies, impact of leaks on site, etc.

D. Retention: until no longer needed.
[1.18.667.249 NMAC - N, 7/8/2000]

1.18.667.250 WORK PLANS:

A. Program: underground storage tanks.
B. Maintenance system: chronological by date created.

C. Description: hard copy output records for 1.18.667.247 NMAC *corrective action fund database*. Report is a printout that includes all sites assigned to a project manager, their ranking in order of cleanup need, progress on cleanup, etc.

D. Retention: until superseded.
[1.18.667.250 NMAC - N, 7/8/2000]

1.18.667.251 AMENDMENTS TO CONTRACTS: [RESERVED]
[1.18.667.251 NMAC - N, 7/8/2000]

1.18.667.252 MEANS TEST RESULTS: [RESERVED]
[1.18.667.252 NMAC - N, 7/8/2000]

1.18.667.253 AD HOC REPORTS: [RESERVED]
[1.18.667.253 NMAC - N, 7/8/2000]

1.18.667.254 CORRECTIVE ACTION AND REMEDIATION FILES:

- A. Program:** underground storage tanks.
 - B. Maintenance system:** alphabetical by county and site name.
 - C. Description:** records concerning the status of corrective action on leaking tanks and remediation until the end of a project that would result in no further action necessary. Files may contain reclamation plan, implementation of plan, monitoring of contamination, quarterly reports from environmental consultant, copies of contractual information, bid information, correspondence, memoranda, etc.
 - D. Retention:** permanent. Transfer to archives 10 years after date created.
- [1.18.667.254 NMAC - N, 7/8/2000]

1.18.667.255 CORRECTIVE ACTION EQUIPMENT DATABASE:

- A. Program:** underground storage tanks.
 - B. Maintenance system:** [RESERVED]
 - C. Description:** database tracks inventory of all equipment purchased with corrective action fund monies. Database includes location of equipment, condition of equipment, identification of equipment, serial numbers, purchase information, digital photos of equipment, etc.
 - D. Retention:** Retention of data is permanent. For retention of system, software and documentation, refer to 1.15.2.301 NMAC *general administrative records*.
- [1.18.667.255 NMAC - N, 7/8/2000]

1.18.667.256 INVENTORY REPORT: [RESERVED]
[1.18.667.256 NMAC - N, 7/8/2000]

1.18.667.257 CONTRACTOR INVOICE: [RESERVED]
[1.18.667.257 NMAC - N, 7/8/2000]

1.18.667.258 EQUIPMENT LIST: [RESERVED]
[1.18.667.258 NMAC - N, 7/8/2000]

1.18.667.259-270 [RESERVED]
[1.18.667.259-270 NMAC - N, 7/8/2000]

1.18.667.271 FOOD PROGRAM FILES:

- A. Program:** food quality management and field operations.
- B. Maintenance system:** alphabetical by name of facility.
- C. Description:** records concerning the regulation and issuance of annual new and renewal permits for all food service and food processing establishments. Files may contain application for permit to operate food service establishment form, which shows name and address of establishment, name and address of owner, name and address of manager or operator, narrative on establishment, status of permit (i.e., approved or disapproved with reasons for disapproval), grade awarded, permit number, date, remarks and signature of environment department staff; application for a variance from the requirements of the food service regulations form showing person

requesting variance, establishment name and address, environment department permit number, narrative on variance request, narrative on action taken by the division; copy of permit; etc.

D. Retention: five years after last permit issued.

[1.18.667.271 NMAC - N, 7/8/2000]

1.18.667.272 TEMPORARY FOOD SERVICE PERMIT FILES:

A. Program: food quality management and field operations.

B. Maintenance system: alphabetical by name of facility.

C. Description: records concerning the regulation and issuance of food service temporary (less than 30 days) permits for special events. Files may include temporary food service application, which shows establishment or facility name and address, owner or contact person name and address, event name and location, requested permit start and end dates, food items to be served, location where food items purchased, description of method of compliance with food storage temperature requirements, method of waste disposal, applicant signature, date permit issued, remarks, etc.

D. Retention: two years after permit expires.

[1.18.667.272 NMAC - N, 7/8/2000]

1.18.667.273 [RESERVED]

[1.18.667.273 NMAC - N, 7/8/2000; Repealed, 7/24/2006]

1.18.667.274 DRINKING WATER PROGRAM FILES:

A. Program: drinking water

B. Maintenance system: alphabetical by name of water system, then chronological by calendar year

C. Description: records concerning the inspection, review, monitoring, and sampling of water systems to determine compliance with the drinking water regulations of the New Mexico environmental improvement board. Files may include compliance reports, enforcement reports, water bacteriological analysis reports, water chemical analysis and reports, source water assessments, plans and specifications showing the number of people served by a water supply system, location of system maps; documentation of loans and other types of funding; sanitary surveys; waivers, correspondence; etc.

D. Retention:

(1) **Microbiological analysis records, turbidity and disinfectant residual measurement records and chemical analysis reports:** 12 years from the close of the calendar year in which analysis or report created

(2) **Enforcement files:** 12 years from the close of the calendar year in which system becomes compliant, then transfer to archives for review and final disposition

(3) **State determinations and exceptions:** 40 years from the close of the calendar year from date of decision, then transfer to archives for review and final disposition

(4) **Compliance plans for systems:** 40 years from close of calendar year in which system becomes inactive, then transfer to archives for review and final disposition

(5) **Plans and specifications:** 10 years from date approved

[1.18.667.274 NMAC - Rp SRC Rule No. 85-01 Item No. 901, 7/8/2000; A, 7/24/2006; A, 7/23/2012]

[The federal regulations for drinking water systems are under 40 CFR 142.14.]

1.18.667.275 LABORATORY CERTIFICATION FILES:

A. Program: drinking water

B. Maintenance system: chronological by date of certification, then alphabetical by laboratory name

C. Description: records certifying that contracted laboratory facilities meet the EPA criteria for conducting water analysis. Files may include certification application review, quality assurance manuals and documents, onsite audits, proficiency testing results, certification, correspondence, etc.

D. Retention: 12 years from date of decertification

[1.18.667.275 NMAC - Rp, SRC Rule N. 85-01, Item No. 898, 7/8/2000; Repealed, 7/24/2006; 1.18.667.275 NMAC - N, 7/23/2012]

1.18.667.276 [RESERVED]

[1.18.667.276 NMAC - Rp SRC Rule No. 85-01 Item No. 900, 7/8/2000; Repealed, 07/24/2006]

1.18.667.277 WATER SYSTEM DATABASE:

- A. Program:** food quality management and field operations.
- B. Maintenance system:** [RESERVED]
- C. Description:** system maintains and tracks information on the inspection, review, monitoring, sampling and sanitary surveys of water systems to determine compliance with the drinking water regulations of the New Mexico environmental improvement board. Database may contain information on compliance and enforcement, water analysis reports, water chemical analysis reports, source water assessment, plans and specifications showing number of people served by water supply system, location of system, maps, loan and other funding documentation, sanitary surveys, etc.
- D. Retention:** 10 years after close of calendar year in which data was entered. For retention of system, software and documentation, refer to 1.15.2.301 NMAC *general administrative records*.
[1.18.667.277 NMAC - N, 7/8/2000]

1.18.667.278 INVENTORY ACTION FORM:

- A. Program:** food quality management and field operations.
- B. Maintenance system:** alphabetical by water system name.
- C. Description:** hard copy input record for 1.18.667.277 NMAC *water system database*. Record establishes entity as a public water supply. File may contain name and location of water supply, description, address, phone number and name of contact persons.
- D. Retention:** until data is input and verified.
[1.18.667.278 NMAC - N, 7/8/2000]

1.18.667.279 SANITARY SURVEY FORM:

- A. Program:** food quality management and field operations.
- B. Maintenance system:** chronoalphabetical by date prepared and water system name.
- C. Description:** hard copy input record for 1.18.667.277 NMAC *water system database*. Record may contain number of wells in system; description of system structure; name, address and phone number of contact persons; etc.
- D. Retention:** until data is input and verified.
[1.18.667.279 NMAC - N, 7/8/2000]

1.18.667.280 CHEMICAL SAMPLING AND ANALYSIS FORM:

- A. Program:** food quality management and field operations.
- B. Maintenance system:** chronoalphabetical by date prepared and water system name.
- C. Description:** hard copy input record for 1.18.667.277 NMAC *water system database*. Record concerns chemical sampling and analysis of water supply.
- D. Retention:** until data is input and verified.
[1.18.667.280 NMAC - N, 7/8/2000]

1.18.667.281 MICROBIOLOGICAL SAMPLING AND ANALYSIS FORM:

- A. Program:** food quality management and field operations.
- B. Maintenance system:** chronoalphabetical by date prepared and water system name.
- C. Description:** hard copy input record for 1.18.667.277 NMAC *water system database*. Record concerns microbiological sampling and analysis of public water supply.
- D. Retention:** until data is input and verified.
[1.18.667.281 NMAC - N, 7/8/2000]

1.18.667.282 AD HOC REPORTS:

- A. Program:** food quality management and field operations.
- B. Maintenance system:**
- C. Description:** hard copy output records from 1.18.667.277 NMAC *water system database*. Reports provided on an as-needed or as-requested basis, including basic inventory reports, compliance reports, sanitary survey reports, chemical quality reports, microbiological quality reports, etc.
- D. Retention:** until superseded.
[1.18.667.282 NMAC - N, 7/8/2000]

1.18.667.283 SWIMMING POOL PROGRAM FILES:
A. Program: food quality management and field operations.
B. Maintenance system: alphabetical by name of facility.
C. Description: records concerning the regulations governing the annual permit process for all swimming pool and public bath facilities that serve the general public.
D. Retention: five years after facility becomes inactive or closes.
[1.18.667.283 NMAC - N, 7/8/2000]

1.18.667.284 SWIMMING POOL PERMIT FILES:
A. Program: food quality management and field operations.
B. Maintenance system: alphabetical by name of facility.
C. Description: record concerning the permits issued for swimming pools and public bath facilities that serve the general public. Files may contain permit application, plans and specifications, copies of operating permits, variance petitions, written order for variance decision, review statements, results of inspections, complaints, corrective actions, closures, correspondence, memoranda, etc.
D. Retention: five years after facility becomes inactive or closes.
E. Confidentiality: portions of record may contain confidential information (e.g., name of complainant).
[1.18.667.284 NMAC - N, 7/8/2000]

1.18.667.285 [RESERVED]
[1.18.667.285 NMAC - N, 7/8/2000; Repealed, 8/3/2009]

1.18.667.286 [RESERVED]
[1.18.667.286 NMAC - N, 7/8/2000; Repealed, 8/3/2009]

1.18.667.287 ENVIRONMENTAL NOTIFICATION TRACKING SYSTEM (ENTS):
A. Program: environment
B. Maintenance system: numerical by identification number
C. Description: database that tracks all environmental concerns, issues, complaints and complaint disposition within the departments' jurisdictional and regulatory authority. Data may include name of complainant, nature of complaint, complaint location, complaint date, complaint disposition, etc.
D. Data retention: three years after final disposition of notification
E. Input: records used as input for the *environmental notification tracking system (ENTS)* are key entered via telephone, internet and paper, and depending on the nature of the complaint, are filed in the *complaint files*, 1.18.667.288 NMAC.
F. Output: Because the *environmental notification tracking system (ENTS)* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are forwarded to the requesting entity.
[1.18.667.287 NMAC - N, 8/3/2009]

1.18.667.288 COMPLAINT FILES:
A. Program: environment
B. Maintenance system: chronological by calendar year
C. Description: records concerning complaints reporting possible environmental hazards in New Mexico. Portions of file are input to *environmental notification tracking system (ENTS)*, 1.18.667.287 NMAC. File may include complaint, inspection report, final disposition of complaint, correspondence, etc.
D. Retention: three years after final disposition of complaint
[1.18.667.288 NMAC - N, 8/3/2009]

1.18.667.289 LIQUID WASTE TECHNOLOGY PLAN FILES:
A. Program: environmental health
B. Maintenance system: chronological by calendar year, then alphabetical by company name
C. Description: records concerning liquid waste technologies submitted to design staff for approval or submitted to technical advisory committee for review and recommendations to the cabinet secretary. File may

include manufacturer system plans and specifications, test data, product approval or denial letter, actions, correspondence, etc.

D. Retention:

(1) **Approved liquid waste technologies:** permanent (active records will be maintained at the agency)

(2) **Denied liquid waste technologies:** three years after date of final denial

E. Confidentiality: Portions of record may be confidential pursuant, but not limited to CFR 40 Subsection 53.15 (i.e., trade secrets and confidential or privileged information).

[1.18.667.289 NMAC - N, 8/3/2009]

1.18.667.290 LIQUID WASTE PERMIT DATABASE:

A. Program: environmental health

B. Maintenance system: numerical by permit number

C. Description: database that maintains information concerning the application, registration, permitting, application for variance and compliance of on-site liquid waste systems that do not require ground water discharge plans. Data may include permit number, application date, registration date, inspection date, variance application date, variance approval or denial, compliance order number, effluent data, comments, etc.

D. Data retention: permanent

E. Input: All documents used as input to the *liquid waste permit database* are filed in the *liquid waste permit files*, 1.18.667.291 NMAC.

F. Output: Because the *liquid waste permit database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced these reports are forwarded to the requesting entity.

[1.18.667.290 NMAC - N, 8/3/2009]

1.18.667.291 LIQUID WASTE PERMIT FILES:

A. Program: environmental health

B. Maintenance system: chronological by calendar year, then numerical by permit number

C. Description: records documenting the application, registration, permitting, application for variance and compliance of on-site liquid waste systems that do not require ground water discharge plans. Portions of file are input to *liquid waste permit database*, 1.18.667.290 NMAC. Files may include permit registration form and attachments (i.e., plat, dwelling floor plan, etc.) permit copy, final inspection, variance application, variance approval or denial, property transfer inspection form, notice of violation, compliance order, settlement agreement, criminal complaint, administrative search warrant, civil court complaint, inspection, correspondence, etc.

D. Retention: permanent (active records will be maintained at the agency)

[1.18.667.291 NMAC - Rn & A, 1.18.667.285 & 286 NMAC, 8/3/2009]

[Permits that do not require discharge plans see 20.7.3 NMAC]

1.18.667.292 WELL TEST FILES:

A. Program: environmental health

B. Maintenance system: geographic by community, then chronological by calendar year

C. Description: chemical and biological test results of private domestic well water. File may include test results, well log, correspondence, etc.

D. Retention: permanent (active records will be maintained at the agency)

[1.18.667.292 NMAC - N, 8/3/2009]

HISTORY OF 1.18.667 NMAC:

Pre-NMAC History:

Material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives:

SRC Rule 71-6 Records Retention and Disposal Schedule for Health and Social Services Department, Environmental Services Division, 4/5/71, and;

SRC Rule 76-8 Health and Social Services Department - Environmental Improvement Agency Records Retention and Disposition Schedule, 5/5/76;

SRC Rule 82-13 Records Retention and Disposition Schedule for Occupational Health and Safety Review Commission, 9/30/82; and

SRC Rule 85-01 Records Retention and Disposition Schedule for Environmental Improvement Division, 1/6/86.

History of Repealed Material:

SRC Rule 82-13 Records Retention and Disposition Schedule for Occupational Health and Safety Review Commission - Repealed, 7/8/00; and

SRC Rule 85-01 Records Retention and Disposition Schedule for Environmental Improvement Division - Repealed, 7/8/00.

REPEALED