NEW MEXICO
ENVIRONMENT DEPARTMENT

SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

Harold Runnels Building
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-0187 Fax (505) 827-0160
www.nmenv.state.nm.us

RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 17, 2015

Mr. Lawrence Meers, Owner
Mesa Oil, Inc.
6395 East 80th Avenue
Commerce City, CO 80022

Re: Industrial Storm Water; SIC 5093; NPDES Compliance Evaluation Inspection; Mesa Oil, Inc., NMR05B151, June 12, 2015

Dear Mr. Meers,

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, treatment scheme, and problems noted during this inspection are discussed in the "Further Explanations" section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Gladys Gooden-Jackson
US Environmental Protection Agency, Region VI
Enforcement Branch (6EN-WM)
1445 Ross Avenue
Dallas, Texas 75202-2733

Bruce Yurdin
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Sarah Holcomb at 505-827-2798 or at sarah.holcomb@state.nm.us.

Sincerely,

/s/ Bruce Yurdin

Bruce J. Yurdin
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

cc: Rashida Bowlin, USEPA (6EN-AS) by e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Gladys Gooden-Jackson, USEPA (6EN-WM) by e-mail
Raquel Douglas, USEPA (6EN-WC) by e- mail
Everett Spencer, USEPA (6EN-WM) by e-mail
NMED District 1, William Chavez by e-mail
John Kieling, NMED Hazardous Waste Bureau Chief, by e-mail
Michelle Hunter, NMED Ground Water Quality Bureau Chief (acting), by e-mail

Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 N 2 5 3	N M R 0 5 B 1 5 1 11	12 1 5 0 6 1 2 17	18	19 S 20	

Remarks: O I L R E C Y C L I N G

Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved
67 69	70 2	71 N 72	N 73 74	75 80

Section B: Facility Data

Name and Location of Facility Inspected *(For industrial users discharging to POTW, also include POTW name and NPDES permit number)*	Entry Time /Date	Permit Effective Date
MESA OIL, INC., Belen, Valencia County, NM: From I-25, take exit 195, south to Reinken ave., east to NM 47. 1 block South to NM 304, right 3.7 miles, left at Sud-Chemie, on right.	0915 HOURS / 6-12-15	9-29-08
	Exit Time/Date 1120 HOURS / 6-12-15	Permit Expiration Date 9-29-13

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)
Mr. Mike Fernandez, General Manager (303) 426-2777 x 41

Name, Address of Responsible Official/Title/Phone and Fax Number
Mr. Lawrence Meers, Facility Owner
6395 East 80th Avenue, Commerce City, CO 80022

Contacted: Yes [*] No [ ]

Other Facility Data

N. 34° 35' 53.76"
W -106° 43' 56.44"

SIC: 5093

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	**Permit**	N	**Flow Measurement**	U	**Operations & Maintenance**	N	**CSO/SSO**
U	**Records/Reports**	U	**Self-Monitoring Program**	N	**Sludge Handling/Disposal**	N	**Pollution Prevention**
U	**Facility Site Review**	N	**Compliance Schedules**	N	**Pretreatment**	N	**Multimedia**
N	**Effluent/Receiving Waters**	N	**Laboratory**	U	**Storm Water**	N	**Other:**

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. **The inspector arrived at the facility at approximately 0915 hours on June 12, 2015 and conducted an entrance interview with Mr. Mike Fernandez where she made introductions, presented credentials, and explained the purpose of the inspection. An exit interview was conducted with Mr. Fernandez on the day of the inspection at approximately 1110 hours where she presented the preliminary findings of the inspection.**
2. **Please see the report for further details.**

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Sarah Holcomb ***/s/ Sarah Holcomb***	**505-827-2798**	**6-16-2015**
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Bruce Yurdin ***/s/ Bruce Yurdin***	**505-827-2795**	**6-15-2015**

NPDES Industrial Storm Water Checklist (MSGP)

National Database Information			
Inspection Type	CEI		
NPDES ID Number	NMR05B151		
Inspection Date	6-12-2015		
Inspector Type *(circle one)*	EPA	[State]	EPA Oversight
Facility Sector/ SIC/Activity Code	Sector N SIC 5093		

General	
Inspector Name	Sarah Holcomb
Telephone	505-827-2798
Entry Time	0915 hours
Exit Time	1120 hours
Signature	*/s/ Sarah Holcomb*

Facility Location Information				
Name/Location/ Mailing Address	Mesa Oil, Inc. 20 Lucero Rd., Belen, NM 87002 Mailing address: 6395 East 80th Avenue, Belen, NM 87002			
GPS Coordinates	Latitude	N. 34.5983°	Longitude	W. -106.7320°
Receiving Water(s)	Valencia County MS4 thence to the Rio Grande in segment 20.6.4.105 NMAC			

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Mesa Oil, Inc.	
Facility Contact	Mr. Mike Fernandez, Site Manager	303-426-4777 x 41
Authorized Official(s)	Mr. Larry Meers, Facility Owner	303-426-7777

Basic Permit Information		
Permit Coverage	[Y]	N
Permit Type	[General]	Individual
Operational Date	1996	
NOI/Application Date	4-7-2010	
If applicable, is no exposure certification on file?	Y	N

Basic SWPPP Information		
SWPPP Prepared & Available	[Y]	N
SWPPP Contents Satisfactory	Y	[N]
SWPPP Implementation Satisfactory	Y	[N]
SWPPP Date	10-24-2013	
Intentionally left blank		

NPDES Industrial Storm Water Checklist (MSGP)

SWPPP Review			
General			**Notes:**
Was the SWPPP completed prior to NOI submission?	Y	N	Original SWPPP developed 10-16-2009; NOI submitted 4-7-2010 (facility alleged NOI submitted 12-31-2008). Update to SWPPP dated 10-24-2013. This checklist was completed based on the update. SWPPP unchanged from 2013 inspection.
Copy of the NOI and acknowledgment letter from EPA?	Y	N	NOI contained in SWPPP, but acknowledgement letter was not present in SWPPP.
Copy of the permit language?	Y	N	Referenced to an online link.
Have copies of inspection reports/all other documentation been retained as part of the SWPPP for 3 years from date permit coverage expires?	Y	N	
Does the SWPPP contain a signed/certified statement indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii)? Applicable to: • Routine facility inspection (4.1.3) • Quarterly visual assessment (4.2.3) • Benchmark monitoring (6.2.1.3).	Y	N	N/A
Does the SWPPP include copies of relevant parts of other documents (e.g., SPCC) referenced in the SWPPP?	Y	N	SPCC was reviewed as part of this inspection. Updated October 2013.
Does the SWPPP include documentation to support eligibility under the Endangered Species Act?	Y	N	Old SWPPP contained a document called NEPA check. Certified Criterion A. Only documentation to support this is EDR NEPA Check and "Paragon's opinion that a discharge from the site would not significantly impact the river or the minnow." No documentation in new SWPPP. Statement that there are no endangered species.
Does the SWPPP include documentation to support eligibility under the Historic Preservation Act?	Y	N	No documentation in new SWPPP. Old SWPPP also relied on EDR NEPA Check for this information.
Does the SWPPP include documentation to support eligibility under NEPA (New Source)?	Y	N	Old SWPPP indicated that no NEPA review was necessary under the EDR NEPA Check. New SWPPP does not mention NEPA. N/A
Did all "operators" sign/certify the SWPPP?	Y	N	Mr. Larry Meers signed on 10-24-2013.
Is the storm water pollution prevention team identified (name or title)?	Y	N	
Are the storm water pollution prevention team's responsibilities identified?	Y	N	

NPDES Industrial Storm Water Checklist (MSGP)

Site Description			Notes:
SWPPP provides a description of the facility's industrial activities?	Y	N	Used oil collection and processing facility.
Is there a general location map (e.g., USGS quadrangle map) with enough detail to identify the location of the facility and all receiving waters for storm water discharges?	Y	N	
Is there a site specific site map?	Y	N	
Does the site map contain the size of the property in acres?	Y	N	Repeat finding from 2013.
Does the site map contain the location and extent of significant structures and impervious surfaces?	Y	N	
Does the site map contain directions of storm water flow (indicated by arrows)?	Y	N	
Does the site map contain locations of all existing structural control measures?	Y	N	
Does the site map contain locations of all receiving waters in the immediate vicinity of the facility, indicating if any of the waters are impaired, and if so, whether the waters have TMDLs established for them?	Y	N	No TMDL or impairment information was contained on the site map or in the SWPPP.
Does the site map contain locations of all storm water conveyances including ditches, pipes and swales?	Y	N	
Does the site map contain locations of all potential pollutants and significant materials identified under Part 5.1.3.2?	Y	N	
Does the site map contain locations where significant spills or leaks identified under Part 5.1.3.3 have occurred?	Y	N	
Does the site map contain locations of all storm water monitoring points?	Y	N	Facility alleges that it is a no-discharge facility. Repeat finding from 2013.
Does the site map contain locations of storm water inlets and outfalls, with a unique identification (e.g., 001, 002) for each outfall and if substantially identical?	Y	N	Repeat finding from 2013.
Does the site map contain municipal separate storm sewers and where the facility discharges to them?	Y	N	Repeat finding from 2013.
Does the site map contain locations and descriptions of all non-storm water discharges?	Y	N	N/A

NPDES Industrial Storm Water Checklist (MSGP)

Site Description			Notes:
Does the site map contain locations of the following activities where these activities are exposed to precipitation? • Fueling stations Y • Vehicle and equipment maintenance and/or cleaning areas Y • Loading/unloading areas Y • Locations used for the treatment, storage or disposal of wastes Y • Liquid storage tanks Y • Processing and storage areas Y • Immediate access roads and rail lines used or travelled by carriers of raw materials, manufactured products, waste materials, or by-products used or created by the facility Y • Transfer areas for substances in bulk • Machinery Y	Y	N	
Does the site map contain locations and sources of run-on to the site from adjacent property that contains significant quantities of pollutants?	Y	N	This evaluation has not been completed. Repeat finding from 2013.
Does the SWPPP document areas at the facility where industrial materials or activities are exposed to storm water and from which allowable non-storm water discharges are released?	Y	N	N/A
Does the SWPPP include a list of the industrial activities exposed to storm water (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams)?	Y	N	But could be fleshed out with specific pollutants expected from the materials being processed – possible metals or organic constituents that could be present.
Does the SWPPP include a list of pollutants and/or pollutant constituents associated with each identified activity?	Y	N	
Does the SWPPP include documentation of where spills and leaks occurred for three years prior to the preparation of the SWPPP?	Y	N	The prior NMED inspection at this facility was triggered by multiple releases of oily wastewater to the ground at the facility. These releases are not mentioned anywhere in the SWPPP documentation. Repeat finding from 2013.

NPDES Industrial Storm Water Checklist (MSGP)

Site Description			Notes:
Does the SWPPP include a non-storm water discharge evaluation in the SWPPP? Does it include: • Date • Description of evaluation criteria • List of the outfalls or onsite drainage points directly observed • Different types of non-storm water discharges and source locations • Actions taken such as a list of control measures for elimination.	Y	[N]	The documentation simply states that there are no-non stormwater discharges. Repeat finding from 2013.
Does salt storage occur at this facility?	Y	[N]	
Does the SWPPP include a summary of storm water sampling data for the previous permit term?	Y	[N]	No stormwater sampling has occurred. Facility alleges that no stormwater discharges have occurred.

Controls to Reduce Pollutants			Notes:
Does the SWPPP include documentation of the location and type of control measures at the facility to comply with the requirements in Part 2?	[Y]	N	
Does the SWPPP include documentation that selection and design of control measures were based on a consideration of the practices and procedures in Part 2.1.1?	[Y]	N	
Does the SWPPP include measures to minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings?	Y	[N]	Activities are conducted outside without cover. Used oil filters are stored in open 55 gallon barrels while waiting for processing. Permittee representatives indicate that barrels and used oil filters are only stored this way for up to 6 hours, but if they were stored overnight, the current practice is not to cover them.
Does the SWPPP include good housekeeping measures (e.g., keeping all exposed areas that are potential sources of pollutants clean, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers)?	[Y]	N	SWPPP documents trash pickup measures, and the cleaning of old equipment before it is placed into the facility's boneyard for storage.

NPDES Industrial Storm Water Checklist (MSGP)

Controls to Reduce Pollutants			Notes:
Does the SWPPP include a schedule for pickup and disposal of wastes and routine inspections of tanks and drums?	Y	[N]	
Does the SWPPP include preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, and back-up practices should a runoff event occur while a control measure is off-line?	[Y]	N	Permittee representatives indicate that PM inspections are done daily by staff, and the general manager does a check approximately monthly.
Does the SWPPP include a schedule for preventative maintenance procedures?	Y	[N]	
Does the SWPPP include procedures for minimizing the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur?	[Y]	N	
Does the facility implement procedures for plainly labeling containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides,” etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur?	[Y]	N	
Does the facility implement preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling?	[Y]	N	
Does the facility implement procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases?	[Y]	N	Procedures are documented in the facility’s SPCC.
Does the facility train employees who may cause, detect, or respond to a spill or leak in these procedures and have necessary spill response equipment available?	[Y]	N	Initial training was documented per employee in the facility records. Proof of annual training was not present at the time of the inspection. Training documentation only indicated that the inspection procedure under the MSGP was covered.
Does the facility document and follow procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies?	[Y]	N	Procedures are located in the facility’s SPCC.

NPDES Industrial Storm Water Checklist (MSGP)

Controls to Reduce Pollutants			Notes:
Does the SWPPP document erosion and sediment controls?	Y	N	SWPPP states measures are not needed due to site grading and impervious surface. However, the permittee representative indicated major problems with dirt tracking into the offloading area.
Does the facility stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants?	Y	N	Facility relies on asphalt milling, concrete berms and a couple of lined evaporation ponds to qualify as a no discharge facility.
Does the facility place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants?	Y	N	
If the facility stores salt at this facility, are the piles enclosed or covered? Does the facility implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile?	Y	N	N/A
Employee Training – is there a schedule for regular (at least annually) employee training?	Y	N	SWPPP indicates annual training occurs but there was not documentation present to confirm this on the day of the inspection.
Does training cover both the specific control measures used to achieve the effluent limits in Part 2 and monitoring, inspection, planning, reporting, and documentation requirements in other parts of the permit?	Y	N	SWPPP indicates training covers the SWPPP, proper material handling, site cleanliness, and BMPs.
Does the facility ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged?	Y	N	
Does the facility minimize generation of dust and off-site tracking of raw, final, or waste materials?	Y	N	
Has the facility eliminated non-storm water discharges not authorized by an NPDES permit?	Y	N	No non-stormwater discharges were observed on the day of this inspection.

Notes on SWPPP Review

Site Description:

This inspection was triggered by information received from the NMED Ground Water Quality Bureau's sampling results in the facility's alleged stormwater pond. The purpose of the previous MSGP inspection conducted at this facility was to confirm requirements of the Administrative Compliance Order issued to the facility by the NMED Ground Water Quality Bureau and the NMED Hazardous Waste Bureau. The ACO indicated that the facility was to engineer the site to be a non-discharge facility for stormwater, and they were to update their SWPPP. Under further investigation conducted by the NMED Ground Water Quality Bureau, samples were taken of the stormwater contained in the pond built in 2013 to qualify as a non-discharge facility. Those sampling results indicated levels of metals above water quality standards, including (all dissolved) cadmium, chromium, copper, thallium, vanadium, molybdenum, manganese, zinc, antimony and arsenic. Hardness was measured in the sample at 4300 mg/L.

The facility receives 5-6 trucks per day carrying waste oil from various facilities. Trucks can be either small (3500 gallons each) or large (6500 gallons each). The facility tests for halogens as part of their acceptance process. The threshold for rejection is 1000 mg/L. The operators use Chlor-detect field tests to assess treatability. If a load is not acceptable, the generator chooses between disposal at Advanced Environmental or Rinchem.

The waste oil is initially pumped out of the haulers in the offloading area. This area is swept daily because the trucks track in dirt from the adjacent dirt lot. The resulting oily dirt is swept up and stored temporarily in 55 gallon barrels, which are then removed and disposed of by Waste Management. Spills and clean up water are directed to a trough at the back end of the offloading facility. This trough is pumped out daily, according to the facility representative, and this pumped material is also sent into pre-processing.

There are 8 silo tanks (10-12k gallons each) available for pre-processing, where the water is removed from the oil. The oil is then sent to the cook tanks (12 silos at 25k gallons each) to further remove any water contamination. The cooked oil is then loaded into trucks or rail cars for delivery, and the wastewater removed from the oil is sent to Waste Management for use as a dust suppressant on a landfill.

The tanks are contained in a concrete secondary containment area. The containment area can hold approximately 400k gallons, according to the facility representative (110% of their largest tank). The interior of this secondary containment area was visibly stained. The facility representative indicated that stormwater falling in this area is pumped into the stormwater holding tanks located within the secondary containment area (4 tanks at 20k gallons each). The facility representative indicated that the stormwater tanks were currently at their maximum capacity. Their current practice in this situation is to pump the additional stormwater into the process.

Water is pumped from the stormwater storage tanks into the new stormwater pond, which was built in 2013, after the last MSGP inspection. This pond is lined with a Colorado Lining International- an RPE liner (J-series) with a thickness of 36 mil. Water contained in the pond at the time of the inspection was visibly contaminated – it was red in color and contained floating scum on the surface. There was a short, six inch berm made of asphalt millings located around the perimeter of the facility. Total depth of the pond was approximately 16 inches at the deep end of the sloped pond, and approximately 12 inches at the shallow end. There was about 8 inches of freeboard. The large South pond is approximately 50' by 130' and the small North pond is approximately 30' by 29'. The small North pond water appeared to be clear.

Notes on SWPPP Review

At the time of the prior inspection, it was indicated that the facility was relying on the construction of two retention ponds and a small asphalt berm at the perimeter of the facility to qualify as a non-discharge facility. The inspector had requested engineering calculations of those structures to determine what size storm the structures were intended to hold on site, and those calculations were provided to NMED after that inspection, and included with the final report. The facility manager also indicated to the inspector that the management of stormwater was changing from the current management scheme. The stormwater that falls onto the concrete loading/unloading pad is collected in sumps and pumped into a large holding tank, which is then trucked offsite by Waste Management for final disposal. The facility indicated that they will move the collected stormwater in the sumps and transfer it to the retention pond. When the inspector asked if an oil/water separator was to be installed in conjunction with the pond, the facility manager indicated that it was not, and that any oil residues would be skimmed off the top of the pond. At the time of this inspection, there was still no oil/water separator on site.

Attached to this report are copies of the engineering calculations provided to NMED to make the facility a “no discharge” facility, which were obtained during the 2013 inspection. (Appendix B)

Inspections (Part 4)			
General			**Notes:**
Routine Facility Inspections			
Are routine facility inspections conducted at least quarterly while facility operating?	Y	N	Facility manager had documentation of biannual inspections. 1 in 2010, 2 in 2011, 2 in 2012, 1 in 2013, 2 in 2014 and 1 in 2015. One quarterly inspection was documented for 2013.
Are inspections documented, including: • Date and time • Name and signature of inspector • Weather information and a description of discharge occurring at the time of the inspection • Previously unidentified discharges from site • Control measures needing maintenance or repairs • Failed control measures that need replacement • Incidents of noncompliance observed • Additional control measures needed.	Y	N	Not documented: Time, signature of inspector, weather information/discharge information, previously unidentified discharges from site, incidents of noncompliance observed, and additional control measures needed.
Exceptions, including (see 4.1.3): • Inactive and unstaffed sites	Y	N	N/A
Quarterly Visual Assessment			.
Are quarterly visual assessments conducted?	Y	N	
Does the assessment consist of a sample collected: • Within the first 30 minutes of discharge • On discharges that occur at least 72 hours (3 days) from the previous discharge • Collected in a clean, clear glass or plastic container.	Y	N	

Inspections			
Are assessments documented, including: • Sample location • Sample collection date/time & visual assessment date/time • Personnel collecting sample & performing assessment and their signature • Nature of the discharge (runoff or snowmelt) • Results of observations (including color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen and other obvious indicators) • Probable sources of contamination • If applicable, reason for not taking samples within 1st 30 minutes.	Y	N	
Exceptions, including (see 4.2.3): • Adverse weather conditions • Climates with irregular storm water runoff • Areas subject to snow • Substantially identical outfalls (per 5.1.5.2) • Inactive and unstaffed sites.	Y	N	
Comprehensive Site Inspections			
Are comprehensive site inspections conducted annually (start 9/29/08)?	Y	N	No documentation was available to show that inspections were completed or that annual reports were sent to EPA. Repeat finding from 2013.
Conducted by qualified personnel including at least one member of the storm water pollution prevention team?	Y	N	
Cover all areas of the facility?	Y	N	
Include a review of monitoring data? Do inspectors consider the results of the past year's visual and analytical monitoring when planning and conducting inspections?	Y	N	

Inspections			
Include observations of the following: • Industrial materials, residue, or trash that may have or could come into contact with storm water • Leaks or spills from industrial equipment, drums, tanks, and other containers • Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site • Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas • Control measures needing replacement, maintenance, or repair • All storm water control measures observed.	Y	N	
Are inspections documented, including: • Date of inspection • Names and titles of personnel making the inspection • Findings from examination of areas of facility from Part 4.3.1 • All observations relating to implementation of control measures • Any required revisions to the SWPPP resulting from inspection • Any incidents of noncompliance identified OR certification that facility is in compliance with the permit • A statement signed in accordance with Appendix B, Subsection 11	Y	N	

Monitoring (Part 6)			
General			**Notes:**
Does the SWPPP contain a procedure for conducting sector (and co-located) specific benchmark monitoring?	Y	N	N/A
Does the SWPPP contain procedures for conducting effluent limitations guidelines monitoring?	Y	N	N/A
Does the SWPPP contain a procedure for other monitoring (state or tribal specific; impaired waters; other as required)	Y	N	N/A
Are samples analyzed in accordance with 40 CFR Part 136 methods?	Y	N	N/A
Benchmark Monitoring			
Does the monitoring consist of a sample collected: • Within the first 30 minutes of discharge • On discharges that occur at least 72 hours (3 days) from the previous discharge • Document the date and duration (in hours) of the rainfall event, rainfall total (snow - date only) for that rainfall • Prior to commingling.	Y	N	N/A
Is monitoring conducted during each of the first four full quarterly (calendar) monitoring periods following permit coverage?	Y	N	N/A
Is the average of the first four quarterly samples < the parameter benchmark?	Y	N	N/A

Monitoring			
Is the average of the first four quarterly samples > the parameter benchmark? • Make the necessary modifications • Continue quarterly monitoring • Determine and document that no further pollutant reductions are technologically available and economically practicable and achievable, continue monitoring once per year, notify EPA • Natural background pollutant level documentation	Y	N	N/A
Exceptions, including (see 6.1 & 6.2): • Adverse weather conditions • Climates with irregular storm water runoff • Snowmelt • Substantially identical outfalls (per 5.1.5.2) • Inactive and unstaffed sites.	Y	N	N/A
Effluent Limitations Monitoring			
Sampled once per year?	Y	N	N/A
Follow-up requirements if discharge exceeds effluent limit (see 6.3)?	Y	N	
Other Required Monitoring			
• State or Tribal provisions • Discharges to impaired waters • Additional monitoring required by EPA.	Y	N	N/A

Reporting (Part 7)			
General			**Notes:**
Is monitoring data reported to EPA within 30 days of receiving analytical results for the monitoring period?	Y	N	N/A
Is the annual report submitted by 45 days after conducting the comprehensive site inspection?	Y	N	
If follow-up effluent limitations monitoring results exceed numeric limits, was a report submitted to EPA no later than 30 days after results were received?	Y	N	N/A

SWPPP Implementation	
Measures to minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff	*(e.g., use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away; locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems; clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants; use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible; use spill/overflow protection equipment; drain fluids from equipment and vehicles prior to on-site storage or disposal; perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and ensure that all washwater drains to a proper collection system*) Minimal measures are taken to prevent stormwater from coming into contact with materials at the site. The crushed used oil filters are stored in open 55 gallon barrels on a concrete pad with no cover. Permittee representative indicates that they are only stored for up to 6 hours, but indicated that if they were to store them overnight, no cover would be implemented.
Good Housekeeping	*(e.g., keeping all exposed areas that are potential sources of pollutants clean, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers)* At the time of this inspection, the site appeared relatively clean. There were a few areas where oil had spilled onto the ground and needed to be cleaned up.
Preventative maintenance	*(e.g., regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, and back-up practices should a runoff event occur while a control measure is off-line)* According to permittee representative, daily PM inspections are conducted by staff.

SWPPP Implementation	
Spill Prevention and Response	*(e.g., minimizing the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur)* Documentation indicates that spills are immediately cleaned up when they occur. Two spill kits were observed onsite during the course of this inspection.
Erosion and Sediment Controls	(e.g., stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, flow velocity dissipation devices at discharge locations and within outfall channels) Facility representative indicated that erosion problems were contributing to cleanup in the offloading area. Trucks appear to drag in dirt from the internal parking lot, which then flow into the secondary containment system, creating more of a cleanup issue.

Management of Runoff	*(e.g., divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in discharges)* Facility has built two retention ponds, one at the southwest corner (large – 150,000 gallons) and one at the northwest corner of the site (small – size unknown).
Salt Storage Piles	*(e.g., enclose or cover piles appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile)* N/A

SWPPP Implementation	
Waste, Garbage and Floatable Debris	*(e.g., keep exposed areas free of such materials or by intercepting them before they are discharged)* Facility staff pick up trash on site each day.
Evidence of non-storm water discharges	No non-stormwater discharges were observed on the day of this inspection.
Dust Generation and Vehicle Tracking of Industrial Materials	*(minimize generation of dust and off-site tracking of raw, final, or waste materials)* No material tracking was observed on the day of this inspection.

Notes on SWPPP Implementation and Sector Specific Requirements

List and describe structural controls *(The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications)*

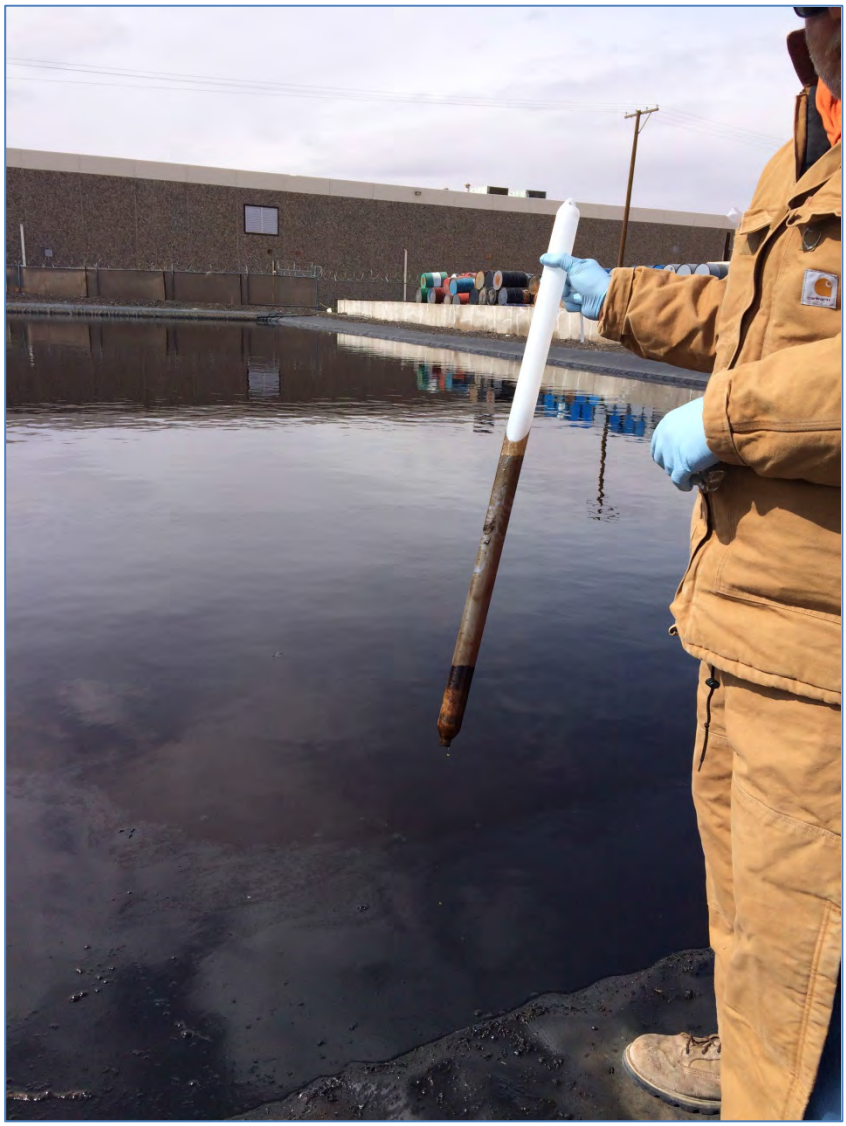
The facility contains a large number of oil retention tanks on site. The tanks are surrounded by a concrete secondary containment barrier which is designed to hold 110% of their largest tank, which is 350,000 gallons.

A small asphalt berm was located around the perimeter of the site to prevent stormwater from leaving the site.

NMED/SWQB

Official Photograph Log
Photo # 1

Photographer: Bart Faris, NMED GWQB	Date: 3-3-2015	Time: 1121 hours
City/County: Belen/Valencia County		
Location: Mesa Oil, Inc. 20 Lucero Rd., Belen		
Subject: NMED Ground Water Quality Bureau sampling effort of Mesa Oil stormwater pond. Note the oily residue residual on the sampling tool.		

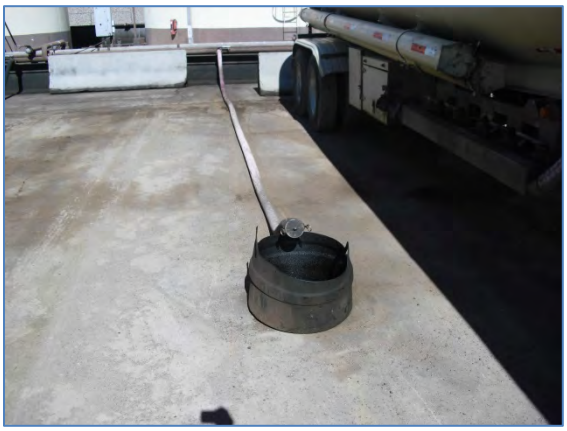


NMED/SWQB
Official Photograph Log
Photo # 2

Photographer: Steve Huddleson, NMED GWQB	Date: 6-12-2015	Time: 0924 hours
City/County: Belen/Valencia County		
Location: Mesa Oil, Inc. 20 Lucero Rd., Belen		
Subject: Asphalt pad and view of tanks south of the main building.		

NMED/SWQB
Official Photograph Log
Photo # 3

Photographer: Steve Huddleson, NMED GWQB	Date: 6-12-2015	Time: 0926 hours
City/County: Belen/Valencia County		
Location: Mesa Oil, Inc. 20 Lucero Rd., Belen		
Subject: Hoses used for transfer in the offloading area. Hose is connected to piping, which carries the waste oil to the processing tanks.		

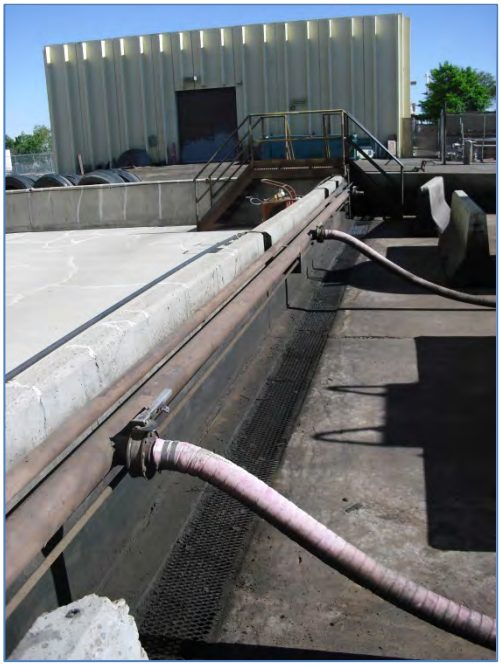


NMED/SWQB

Official Photograph Log

Photo # 4

Photographer: Steve Huddleson, NMED GWQB	Date: 6-12-2015	Time: 0927 hours
City/County: Belen/Valencia County		
Location: Mesa Oil, Inc. 20 Lucero Rd., Belen		
Subject: Sump and trough used to collect oil spillage. According to facility representative, oil is pumped out of the trough daily and is sent into the waste oil treatment process.		



NMED/SWQB

Official Photograph Log

Photo # 5

Photographer: Steve Huddleson, NMED GWQB	Date: 6-12-2015	Time: 0927 hours
City/County: Belen/Valencia County		
Location: Mesa Oil, Inc. 20 Lucero Rd., Belen		
Subject: Facility representative indicates that the offloading area is swept daily due to tracking of dirt from adjacent lot. Sweepings are collected in these 55 gallon barrels and then disposed of through Waste Management.		

NMED/SWQB

Official Photograph Log

Photo # 7

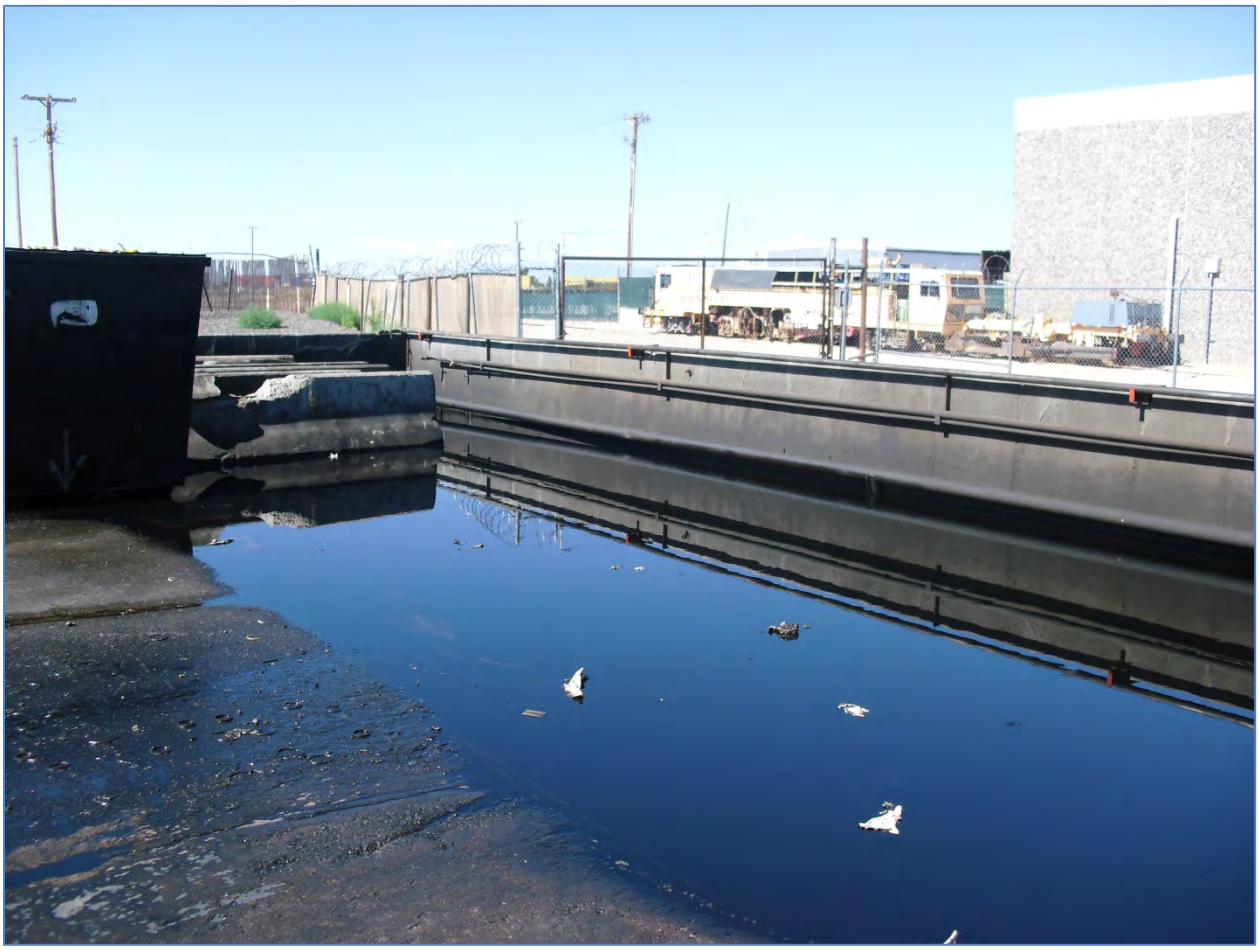
Photographer: Steve Huddleson, NMED GWQB	Date: 6-12-2015	Time: 0940 hours
City/County: Belen/Valencia County		
Location: Mesa Oil, Inc. 20 Lucero Rd., Belen		
Subject: South of the oil treatment tanks, 55 gallon barrels containing used oil filters are stored. According to facility representatives, they are stored in this manner for 6 hours at the most. These filters are taken offsite to an El Paso recycler to be crushed.		

NMED/SWQB

Official Photograph Log

Photo # 8

Photographer: Steve Huddleson, NMED GWQB	Date: 6-12-2015	Time: 0942 hours
City/County: Belen/Valencia County		
Location: Mesa Oil, Inc. 20 Lucero Rd., Belen		
Subject: Oil and water generated during barrel washing operations on the day of the inspection. This area is the east end of the concrete pad where the used oil filters are stored. Water/oil is pumped into the waste oil treatment process according to the facility representative.		



NMED/SWQB
Official Photograph Log
Photo # 9

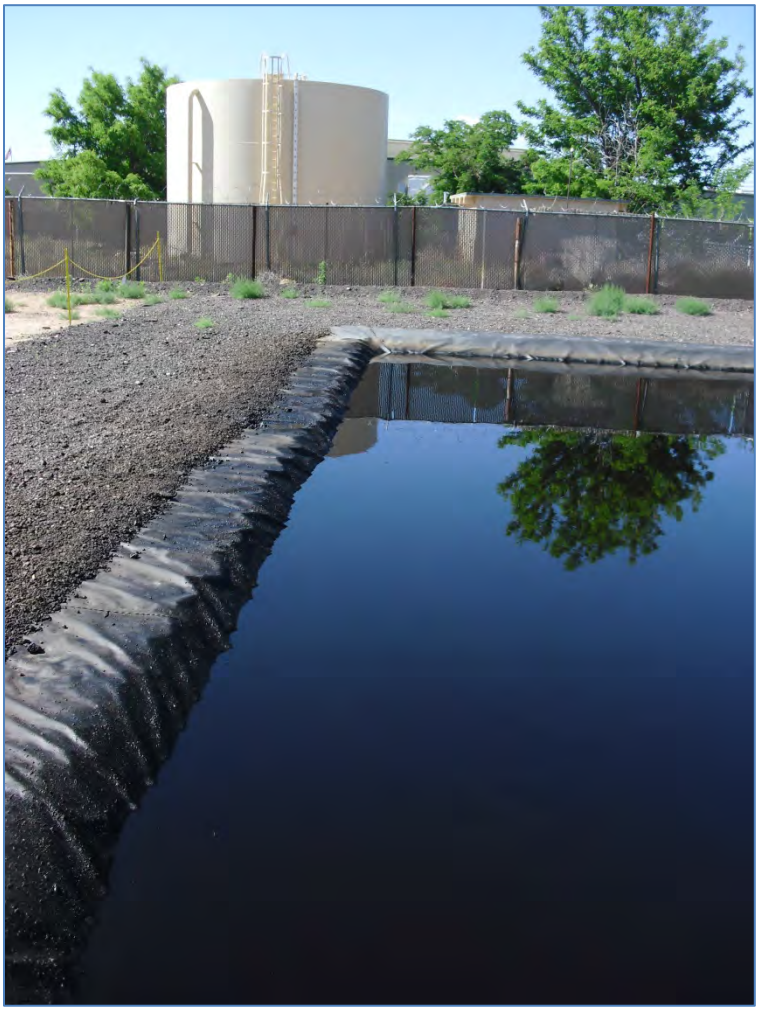
Photographer: Steve Huddleson, NMED GWQB	Date: 6-12-2015	Time: 0945 hours
City/County: Belen/Valencia County		
Location: Mesa Oil, Inc. 20 Lucero Rd., Belen		
Subject: Stormwater pond located at the southern end of the facility. This is the same stormwater pond sampled by NMED GWQB in Photo #1.		

NMED/SWQB

Official Photograph Log

Photo # 10

Photographer: Steve Huddleson, NMED GWQB	Date: 6-12-2015	Time: 0946 hours
City/County: Belen/Valencia County		
Location: Mesa Oil, Inc. 20 Lucero Rd., Belen		
Subject: Some oily residue from the pond was noted outside of the liner. According to facility representative, this was from wind action the previous day.		



NMED/SWQB

Official Photograph Log

Photo # 11

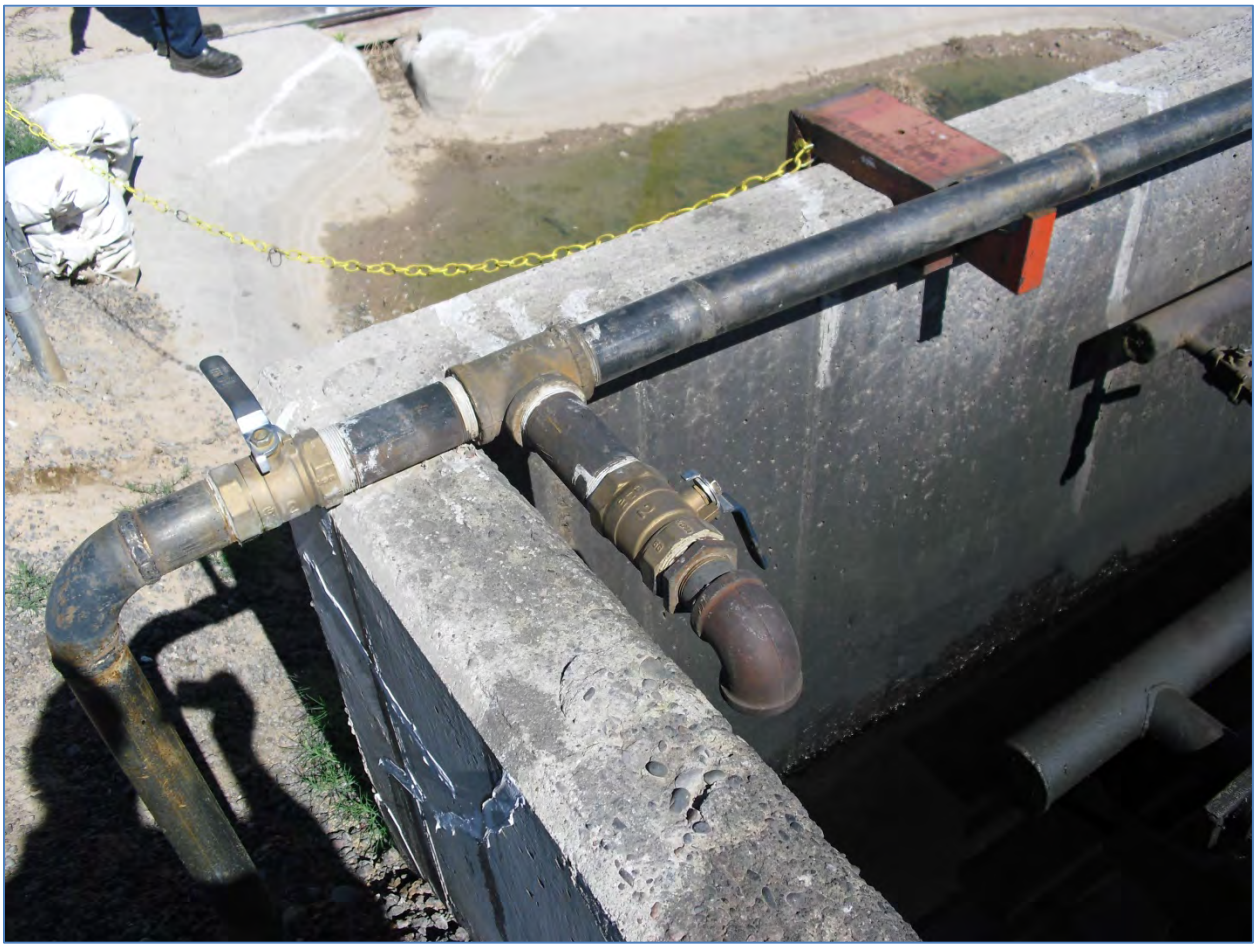
Photographer: Steve Huddleson, NMED GWQB	Date: 6-12-2015	Time: 0948 hours
City/County: Belen/Valencia County		
Location: Mesa Oil, Inc. 20 Lucero Rd., Belen		
Subject: Water contained in the stormwater pond. Please see sampling results from NMED GWQB's sampling effort on March 3, 2015, attached to this report as Appendix A.		

NMED/SWQB

Official Photograph Log

Photo # 12

Photographer: Steve Huddleson, NMED GWQB	Date: 6-12-2015	Time: 0953 hours
City/County: Belen/Valencia County		
Location: Mesa Oil, Inc. 20 Lucero Rd., Belen		
Subject: Piping directing water from the stormwater storage tanks to the stormwater pond. The spigot leading inside the concrete wall is the area where the barrel washing and oil filter storage occurs. On the opposite site of this wall (next to the additional pond), the wall has leaked oil in the past. Facility representative indicated that the interior has been resealed but the contaminated sand bags had not been removed.		



Appendix A

Scientific Laboratory Division
1101 Camino de Salud, N.E.
Albuquerque, NM 87102
(505) 383-9000

EPA: 141001-2011

RECEI
MAY 7 2015
NMED
Albuquerque Field Of.

LIMS Report #: 305231

Request Id: 2484986

Submitter: NMED Dist #1
5500 San Antonio Dr. NE
Albuquerque, NM 87109

Submitter Code: 60
Collector: JUSTIN BALL
User Code: 55410

CC Recipient(s):

Sample Location: SOUTH POND
COC Initiated: Yes
Condition of Seal: Present & Intact

Sample #: 2015006308
Sample Type: Water, Filtered

Date Collected: 2/24/2015 13:00
Date Received: 2/24/2015 16:16
Date Reported: 4/29/2015

Sample Note: Sample was listed as Dissolved Metals and as Filtered but contained a lot of dark oily matter.

EPA 200.7 ICP/OES Metals (Liquid)

Analysis Date: 4/27/2015	Result	Units	MRL	Dilution Factor	SDL	Analyst initials	Data Qualifier
Calcium	1400	mg/L	1	20	20	MMW	
Magnesium	180	mg/L	0.1	20	2.0	MMW	
Total Hardness	4300	mg/L		20		BGD	

Note: **Sample digested using SLD Method 41414**

EPA 200.7 ICP/OES Metals (Liquid)

Analysis Date: 4/27/2015	Result	Units	MRL	Dilution Factor	SDL	Analyst initials	Data Qualifier
Boron	260	mg/L	0.05	100	5.0	MMW	

Note: **Sample digested using SLD Method 41414**

EPA 200.8 ICP/MS Metals (Liquid)

Analysis Date: 03/31/2015 11:11	Result	Units	MRL	Dilution Factor	SDL	Analyst initials	Data Qualifier
Aluminum	0.29	mg/L	0.01	5	0.05	RSF	C
Barium	<0.5	mg/L	0.1	5	0.5	RSF	C
Beryllium	<0.005	mg/L	0.001	5	0.005	RSF	C
Cadmium	0.010	mg/L	0.001	5	0.005	RSF	C, L
Chromium	0.196	mg/L	0.001	5	0.005	RSF	C, L
Cobalt	0.032	mg/L	0.001	5	0.005	RSF	C
Copper	0.10	mg/L	0.01	5	0.05	RSF	C
Lead	<0.005	mg/L	0.001	5	0.005	RSF	C

Final

LIMS Report #: 305231 **Request Id:** 2484986

Sample #: 2015006308 **Date Collected:** 2/24/2015 13:00
Sample Type: Water, Filtered **Date Received:** 2/24/2015 16:16
Date Reported: 4/29/2015

EPA 200.8 ICP/MS Metals (Liquid)

Analysis Date: 03/31/2015 11:11	Result	Units	MRL	Dilution Factor	SDL	Analyst initials	Data Qualifier
Nickel	0.24	mg/L	0.01	5	0.05	RSF	C
Silver	<0.005	mg/L	0.001	5	0.005	RSF	C
Thallium	<0.005	mg/L	0.001	5	0.005	RSF	C
Uranium	<0.005	mg/L	0.001	5	0.005	RSF	C
Vanadium	0.154	mg/L	0.001	5	0.005	RSF	C

Note: **Sample digested using SLD Method 41414 Sample could not be analyzed straight due to bad matrix as a reference Selenium by Method 200.8 = 0.034mg/L with digest LRB= -0.0015mg/L and failed MRL at 0.001 mg/L**

EPA 200.8 ICP/MS Metals (Liquid)

Analysis Date: 04/02/2015 14:54	Result	Units	MRL	Dilution Factor	SDL	Analyst initials	Data Qualifier
Molybdenum	99	mg/L	0.001	5000	5.0	RSF	

Note: **Sample digested using SLD Method 41414 Dilution Factor=5000 (may not fully print due to field limitations)**

EPA 200.8 ICP/MS Metals (Liquid)

Analysis Date: 04/02/2015 14:57	Result	Units	MRL	Dilution Factor	SDL	Analyst initials	Data Qualifier
Manganese	5.6	mg/L	0.001	200	0.20	RSF	
Zinc	92	mg/L	0.01	200	2.0	RSF	

Note: **Sample digested using SLD Method 41414**

EPA 200.8 ICP/MS Metals (Liquid)

Analysis Date: 04/02/2015 15:00	Result	Units	MRL	Dilution Factor	SDL	Analyst initials	Data Qualifier
Antimony	1.6	mg/L	0.001	50	0.050	RSF	L

Note: **Sample digested using SLD Method 41414**

EPA 200.8 ICP/MS Metals (Liquid)

Analysis Date: 04/02/2015 15:04	Result	Units	MRL	Dilution Factor	SDL	Analyst initials	Data Qualifier
Arsenic	0.39	mg/L	0.001	10	0.010	RSF	L

Note: **Sample digested using SLD Method 41414**

EPA 200.9 GFAA Selenium (Liquid)

Analysis Date:	Result	Units	MRL	Dilution Factor	SDL	Analyst initials	Data Qualifier
Selenium		mg/L	0.005				

Note: **Sample digested using SLD Method 41414 Sample could not be analyzed due to bad matrix see ICP-MS comments above**
Cancel Reason for Test: could not be analyzed at any pertainent dilution

EPA 245.1 CVAA Mercury (Liquid)

Analysis Date: 03/17/2015	Result	Units	MRL	Dilution Factor	SDL	Analyst initials	Data Qualifier

Final

LIMS Report #: 305231 **Request Id:** 2484986

Sample #: 2015006308 **Date Collected:** 2/24/2015 13:00
Sample Type: Water, Filtered **Date Received:** 2/24/2015 16:16
Date Reported: 4/29/2015

EPA 245.1 CVAA Mercury (Liquid)

Analysis Date: 03/17/2015	Result	Units	MRL	Dilution Factor	SDL	Analyst initials	Data Qualifier
Mercury	<0.0002	mg/L	0.0002	1	0.0002	CL	C

Definitions

MRL - Minimum Reporting Limit (lowest concentration that can be reported).

MDL - Method Detection Limit (lowest concentration that is differentiated from zero with 99% confidence)..

MCL - USEPA Maximum Contamination Level for SDWA regulated analytes and parameters.

SDL - Sample Detection Limit (Dilution Factor x MDL (organics) or Dilution Factor x MRL (inorganics)).

Units

mg/L - milligrams of analyte in a liter of water.

µg/L - micrograms of analyte in a liter of water.

mg/kg - milligrams of analyte in a kilogram of soil, sediment, or solid.

µg/kg - micrograms of analyte in a kilogram of soil, sediment, or solid.

ppbv - parts per billion by volume air.

Data Qualifier Codes

A - See note/comments.

B - Analyte was detected in the laboratory blank.

C - Spike recovery is within method acceptance limits.

D - Spike recovery is not within method acceptance limits.

E - Analyte value exceeded calibration range.

F - Sample matrix interference suspected.

H - Sample was analyzed in duplicate.

I - Sample was analyzed in triplicate.

J - The analyte was positively identified; the associated numerical value is the approximate concentration of the analyte in the sample.

K - Holding time was exceeded at laboratory.

L - Regulated parameter value equals or exceeds the EPA SDWA Maximum Contamination Level.

M - Regulated parameter value equals or exceeds the EPA SDWA Action Level.

N - Insufficient sample to verify results.

O - Method internal standard(s) not within method acceptance limits when analyzed undiluted.

P - Sample rejected/voided at laboratory

Q - Sample submitted to laboratory past holding time

S - Relative percent difference between duplicates greater than 10% (waters).

T - Relative percent difference between duplicates greater than 30% (soils).

U - Analyte was not detected in this sample above the method's sample detection limit.

Final

Appendix B

Holtech - Civil and Environmental Engineering
31150 NE Schaad Rd, Newberg, OR 97132
Phone: 503-538-6830

December 3, 2013

Larry Meers
Mesa Oil
6395 East 80th Avenue
Commerce City, CO 80022

RE: **Stormwater Storage Capacity of Mesa Oil Facility in Belen. NM**

Dear Larry:

The precipitation from a theoretical 100-year, 24-hour storm event at this site is 2.59 inches, according to National Oceanic and Atmospheric Administration (NOAA) Atlas 14, Volume 1, Version 5, BELEN. This indicates that the entire 6.75 acre site would be covered with an average of 2.59 inches of rainfall in a 24-hour period. That much precipitation would generate 475,000 gallons of water (2.59/12 x 6.94 acres x 43,560 ft^2/acre x 7.48 gallons/ft^3 = 475,000 gallons).

Each area will have to contain the precipitation that accumulates. The gravel yard, which covers 4.33 acres, will need to contain 304,500 gallons. The tank farm; truck loading and unloading area; and the oil-filter processing area cover 1.23 acres. They will need to contain 86,500 gallons of stormwater. The asphalt parking areas, the warehouse building, and the railroad tracks cover about 1.19 acres. Therefore, these areas will need to contain 84,000 gallons of stormwater. (Total volume = 475,000 gallons.)

The topography of the gravel yard slopes gently from north to south. Any stormwater not absorbed into the gravels will migrate down to the southern portion of the site. This southern portion will need to be, on average, 1.5 feet deep to store the potential stormwater volume of the entire yard area. Building a berm on the southwest corner of the facility to an elevation of 4,902 feet above-mean-sea-level will contain the stormwater from a 100-year, 24-hour storm event. A computer analysis of the lower portion of the facility was completed with Surfer Surface Mapping System, Version 6.04, with the volume calculations provided on Page 2. The amount of water that the gravel lot will hold is estimated at 71,658 cubic feet or 536,000 gallons based on a water surface elevation of 4,902'. This is sufficient volume to contain stormwater from the <u>entire</u> subject site.

The containment areas (including the tank farm; the truck loading and unloading area; and the oil-filter processing area) already have containment for the 100-year, 24-hour storm event. No additional work would be required in this area.

The asphalt parking near the warehouse building drains to the west along the railroad tracks. The retention volume for this area requires a capacity of 84,000 gallons (11,230 cubic feet). This constructed retention area is 35 feet wide and 380 feet long. The area is level such that the recent construction of the eleven-inch berm around the existing retention area achieves the required storage volume.

Sincerely

Robert B. Roholt PE
Environmental Engineer

Attachments

1. National Oceanic and Atmospheric Administration (NOAA) Atlas 14, Volume 1, Version 5, BELEN
2. Topographic Map Mesa oil Yard from Field Survey August 19, 2011.
3. Volume Computations for Gravel Yard Stormwater Storage Surfer 6 December 2, 2013.

VOLUME COMPUTATIONS FOR GRAVEL YARD STORMWATER STORAGE

UPPER SURFACE

Level Surface defined by Z = 4902

LOWER SURFACE

Grid File:	C:/SURFER6/MESA3.GRD
Grid size as read:	50 cols by 36 rows
Delta X:	7.97959
Delta Y:	8.02857
X-Range:	0 to 391
Y-Range:	0 to 281
Z-Range:	4899.72 to 4905.07

VOLUMES

Approximated Volume by

Trapezoidal Rule:	-60323.6
Simpson's Rule:	-58998.2
Simpson's 3/8 Rule:	-58827.2

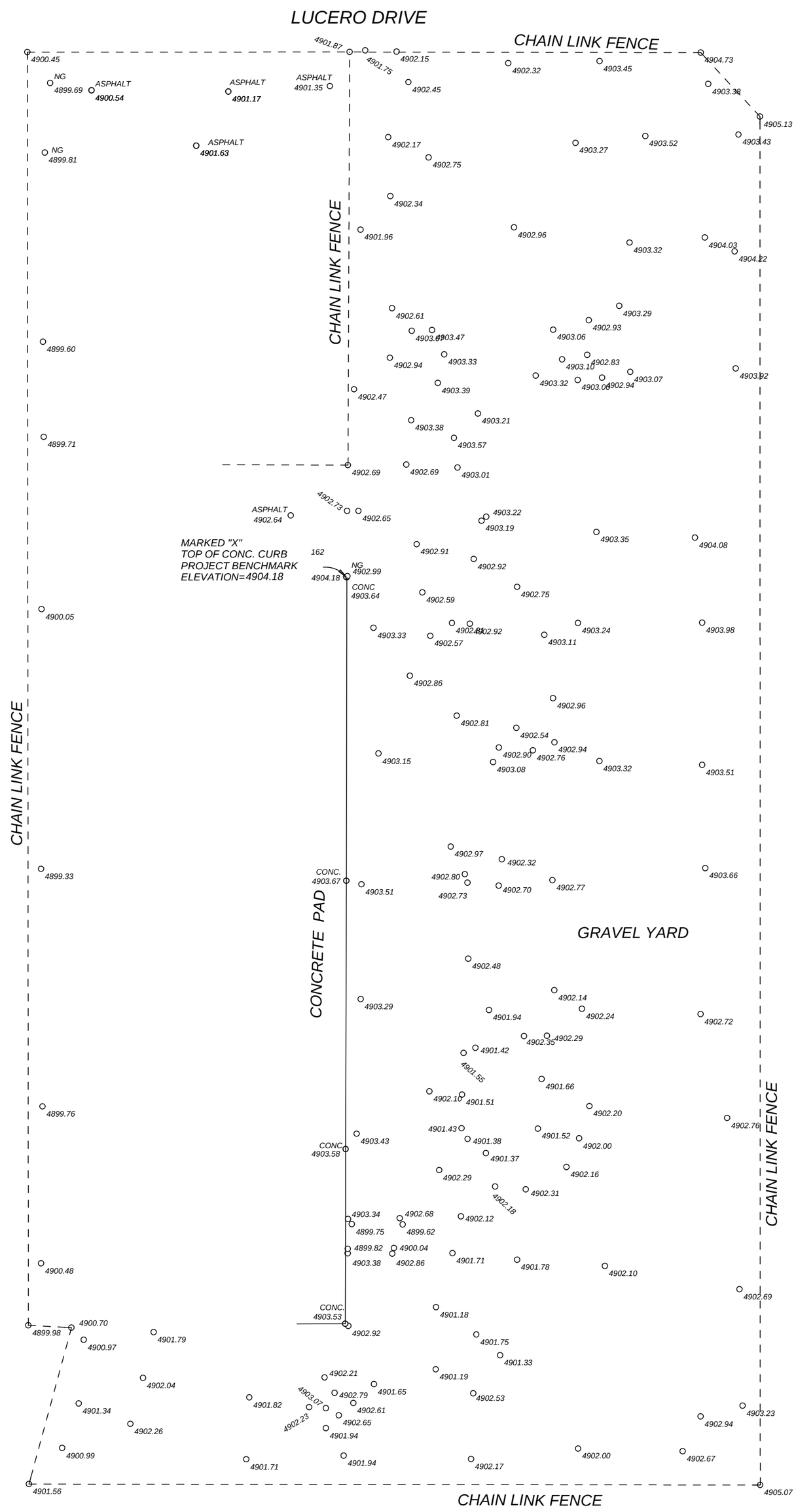
CUT & FILL VOLUMES

Positive Volume [Cut]:	11318
Negative Volume [Fill]:	71658 cubic feet or 356,000 gallons of water
Cut minus Fill:	-60340

AREAS

Positive Planar Area (Upper above Lower):	24767.2
Negative Planar Area (Lower above Upper):	81035.7
Blanked Planar Area:	4068.11
Total Planar Area:	109871

Positive Surface Area (Upper above Lower):	24910.9
Negative Surface Area (Lower above Upper):	81224.1



TOPOGRAPHIC MAP
MESA OIL YARD

NEAR BELEN,
VALENCIA COUNTY, NEW MEXICO
DATE OF FIELD SURVEY: AUGUST 19, 2011

SCALE 1" = 50'

50 0 50

SURVEYOR'S CERTIFICATE
I, David E. Tibbetts, a New Mexico registered Professional Land Surveyor, certify that I conducted and am responsible for this survey, that this survey is true and correct to the best of my knowledge and belief, and that this a topographic survey and map meet the Minimum Standards for Surveying in New Mexico.

David E. Tibbetts, P.S. 10024 Date

Survey Notes:
1.NO BOUNDARY SHOWN OR IMPLIED.
2. Date of field survey AUGUST 19, 2011
3. Elevations are NAVD88 from Leica Smartnet solution WGS84 MSL Geoid 09. Bearings are GPS Smartnet geodetic. Distances are ground.

DAVID TIBBETTS SURVEYING CO.
P.O. BOX 2337
LOS LUNAS, N.M. 87031
PH:505-865-0396
FAX 865-4107

DAVID TIBBETTS SURVEYING COMPANY
P.O. BOX 2337, LOS LUNAS, N.M. 87031
505-865-0396 tibbettssurveying.com

NOAA Atlas 14, Volume 1, Version 5 BELEN
Station ID: 29-0846
Location name: Belen, New Mexico, US*
Coordinates: 34.6667, -106.7667
Elevation:
Elevation (station metadata): 4803 ft*
* source: Google Maps

POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Sarah Dietz, Sarah Heim, Lillian Hiner, Kazungu Maitaria, Deborah Martin, Sandra Pavlovic, Ishani Roy, Carl Trypaluk, Dale Unruh, Fenglin Yan, Michael Yekta, Tan Zhao, Geoffrey Bonnin, Daniel Brewer, Li-Chuan Chen, Tye Parzybok, John Yarchoan

NOAA, National Weather Service, Silver Spring, Maryland

PF_tabular | PF_graphical | Maps_&_aerials

PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches)[1]

Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	0.186 (0.161-0.215)	0.241 (0.208-0.279)	0.323 (0.277-0.374)	0.386 (0.330-0.445)	0.471 (0.402-0.544)	0.538 (0.456-0.620)	0.608 (0.512-0.700)	0.681 (0.570-0.784)	0.779 (0.647-0.898)	0.858 (0.707-0.990)
10-min	0.283 (0.245-0.328)	0.367 (0.317-0.424)	0.492 (0.422-0.569)	0.587 (0.502-0.677)	0.717 (0.611-0.828)	0.818 (0.694-0.943)	0.925 (0.779-1.07)	1.04 (0.868-1.19)	1.19 (0.984-1.37)	1.31 (1.08-1.51)
15-min	0.351 (0.304-0.406)	0.455 (0.392-0.526)	0.610 (0.523-0.705)	0.728 (0.623-0.840)	0.889 (0.758-1.03)	1.01 (0.860-1.17)	1.15 (0.966-1.32)	1.28 (1.08-1.48)	1.47 (1.22-1.70)	1.62 (1.33-1.87)
30-min	0.473 (0.409-0.547)	0.612 (0.528-0.709)	0.821 (0.705-0.950)	0.980 (0.839-1.13)	1.20 (1.02-1.38)	1.37 (1.16-1.57)	1.54 (1.30-1.78)	1.73 (1.45-1.99)	1.98 (1.64-2.28)	2.18 (1.80-2.52)
60-min	0.585 (0.506-0.677)	0.758 (0.654-0.877)	1.02 (0.872-1.18)	1.21 (1.04-1.40)	1.48 (1.26-1.71)	1.69 (1.43-1.95)	1.91 (1.61-2.20)	2.14 (1.79-2.46)	2.45 (2.03-2.83)	2.70 (2.22-3.11)
2-hr	0.676 (0.580-0.798)	0.864 (0.742-1.02)	1.14 (0.977-1.35)	1.37 (1.16-1.60)	1.67 (1.42-1.96)	1.92 (1.62-2.25)	2.19 (1.83-2.56)	2.47 (2.05-2.88)	2.87 (2.35-3.35)	3.20 (2.60-3.73)
3-hr	0.718 (0.621-0.845)	0.912 (0.786-1.07)	1.19 (1.03-1.40)	1.42 (1.21-1.66)	1.73 (1.47-2.02)	1.98 (1.68-2.31)	2.25 (1.89-2.62)	2.54 (2.12-2.96)	2.94 (2.43-3.42)	3.27 (2.68-3.82)
6-hr	0.824 (0.718-0.962)	1.04 (0.908-1.22)	1.34 (1.16-1.55)	1.57 (1.36-1.82)	1.90 (1.63-2.20)	2.15 (1.84-2.49)	2.42 (2.06-2.80)	2.70 (2.29-3.12)	3.10 (2.60-3.58)	3.42 (2.84-3.96)
12-hr	0.907 (0.798-1.04)	1.14 (1.01-1.31)	1.45 (1.27-1.65)	1.69 (1.48-1.92)	2.02 (1.75-2.29)	2.27 (1.97-2.58)	2.54 (2.19-2.88)	2.81 (2.41-3.20)	3.19 (2.71-3.63)	3.50 (2.95-3.99)
24-hr	0.978 (0.865-1.13)	1.23 (1.08-1.42)	1.52 (1.34-1.77)	1.77 (1.54-2.04)	2.08 (1.82-2.40)	2.33 (2.02-2.69)	2.59 (2.24-2.98)	2.85 (2.45-3.27)	3.22 (2.73-3.67)	3.54 (2.97-4.03)
2-day	1.11 (0.990-1.25)	1.39 (1.23-1.56)	1.73 (1.53-1.94)	1.99 (1.77-2.24)	2.35 (2.07-2.63)	2.62 (2.31-2.95)	2.90 (2.55-3.26)	3.18 (2.78-3.57)	3.56 (3.08-4.00)	3.85 (3.32-4.32)
3-day	1.20 (1.07-1.35)	1.50 (1.33-1.68)	1.85 (1.65-2.08)	2.13 (1.89-2.40)	2.51 (2.22-2.82)	2.81 (2.47-3.15)	3.10 (2.72-3.48)	3.40 (2.97-3.81)	3.80 (3.29-4.26)	4.11 (3.54-4.61)
4-day	1.28 (1.15-1.45)	1.60 (1.44-1.80)	1.98 (1.77-2.22)	2.27 (2.02-2.55)	2.68 (2.37-3.00)	2.98 (2.63-3.35)	3.30 (2.90-3.69)	3.61 (3.15-4.05)	4.04 (3.50-4.52)	4.36 (3.76-4.90)
7-day	1.49 (1.32-1.66)	1.84 (1.65-2.06)	2.25 (2.01-2.52)	2.58 (2.30-2.88)	3.01 (2.67-3.36)	3.34 (2.96-3.72)	3.67 (3.24-4.09)	3.99 (3.51-4.44)	4.42 (3.86-4.92)	4.75 (4.12-5.29)
10-day	1.64 (1.46-1.87)	2.04 (1.81-2.32)	2.51 (2.23-2.86)	2.89 (2.56-3.27)	3.38 (2.98-3.84)	3.75 (3.30-4.26)	4.14 (3.63-4.69)	4.52 (3.94-5.11)	5.02 (4.35-5.70)	5.39 (4.66-6.16)
20-day	2.02 (1.81-2.27)	2.52 (2.26-2.83)	3.06 (2.75-3.44)	3.48 (3.12-3.91)	4.02 (3.60-4.51)	4.41 (3.93-4.96)	4.80 (4.27-5.38)	5.16 (4.58-5.79)	5.63 (4.98-6.32)	5.97 (5.27-6.71)
30-day	2.37 (2.12-2.65)	2.94 (2.63-3.29)	3.56 (3.17-3.98)	4.01 (3.58-4.48)	4.59 (4.09-5.13)	5.01 (4.45-5.60)	5.41 (4.80-6.06)	5.79 (5.13-6.49)	6.26 (5.53-7.04)	6.60 (5.81-7.43)
45-day	2.89 (2.62-3.19)	3.58 (3.24-3.95)	4.28 (3.86-4.72)	4.78 (4.32-5.29)	5.40 (4.87-5.97)	5.83 (5.24-6.46)	6.24 (5.60-6.92)	6.62 (5.94-7.35)	7.05 (6.32-7.84)	7.34 (6.57-8.19)
60-day	3.33 (2.98-3.69)	4.13 (3.70-4.58)	4.94 (4.42-5.48)	5.52 (4.93-6.12)	6.23 (5.56-6.90)	6.72 (6.00-7.45)	7.17 (6.40-7.97)	7.60 (6.77-8.44)	8.10 (7.22-9.01)	8.43 (7.51-9.39)

[1] Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS).

Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values.

Please refer to NOAA Atlas 14 document for more information.

Back to Top

PF graphical

Appendix C

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

In Re:	
MESA OIL, INC.,	
	Case No. 10-33755 ABC
Debtor.	
	Chapter 11
EIN: 85-0295589	

CHAPTER 11 FINAL REPORT AND MOTION FOR FINAL DECREE

Comes now **MESA OIL, LLC** (the "Debtor"), by and through it's undersigned attorney, pursuant to the provisions of 11 U.S.C. § 1106 (a)(7) and as ordered by this Court, submits that the bankruptcy case herein has been fully administered, as that term is defined under the Bankruptcy Code, and that the plan has been substantially consummated, as that term is defined under the Bankruptcy Code, as follows:

1. That the order confirming the plan has become final;

2. That the deposits required by the plan have been distributed in accordance with the provisions of the plan as shown in Schedule A set forth below;

3. That substantially all of the property of the Debtor has been transferred according to the provisions of the plan as shown in Schedule B set forth below;

4. That the Debtor or its successor has assumed the business or the management of the property dealt with by the plan as applicable;

5. That distribution has been commenced under the plan, and that payments to creditors and other interested parties have been undertaken as shown in Schedule C set forth below; and

6. That all motions, contested matters, and adversary proceedings have been finally resolved.

SCHEDULE A

Nature and amount of deposits distributed in accordance with the provisions of the plan: No deposits required.

SCHEDULE B

The following property of the Debtor has been/will be transferred according to the provisions of the plan: The property of the estate has been re-vested in the reorganized Debtor and plan payments have begun as set forth in Schedule C below.

SCHEDULE C

Payments completed under the provisions of the plan are as follows:

Administrative Payments/Fees and Taxes:

1. US Trustee's Commissions and Expenses	$ 82,882.54
2. Accountant's Fees	$_____
3. Auctioneer's Fees	$_____
4. Appraiser's Fees	$_____
5. Attorney's Fees	$_____
a. for creditor's committee	$_____
b. for trustee	$_____
c. for Debtor	$ 75,000.00
d. other attorney's fees	$_____
6. Taxes, Court Costs, Fines, Penalties, etc. (11 U.S.C. § 502(b)(1)(B) &(C))	$_____
7. Other Non-Operating Costs of Administration (Thoro Products, Co., Inc., and Trinity Industries Leasing Co., administrative claims)	$270,590.85
TOTAL Administrative Payments/Fees and Taxes:	$428,473.39

Other Priority Payments:

1. Post Involuntary Petition/Pre-relief Claims	$_____
2. Wages	$_____
3. Contributions to Employee Benefit Plans	$_____
4. Deposits for Undelivered Service or Property	$_____
5. Taxes (11 U.S.C. § 507 (a)(8))	$667,366.01
TOTAL Priority Payments:	$667,366.01

Other Payments Completed Under the Plan:

1. Payments to Secured Creditors	$575,582.50
2. Payments to Unsecured Creditors	$ 77,049.56
3. Payments to Equity Holders	$_____
4. Other Distributions	$_____
TOTAL Other Payments Completed Under the Plan:	$652,632.06

NOTE THAT THE DEBTOR DOES NOT ASSERT BY THIS MOTION THAT PLAN PAYMENTS AND PERFORMANCE ARE COMPLETED.

WHEREFORE, the Debtor herein prays for the entry of the Final Decree pursuant to FED.R.BANKR.P. 3022, finding that the case has been fully administered, as that term is defined by the Bankruptcy Code, and, therefore, ordering the closing of the case.

Dated this 27th day of February, 2013

By: Laufer and Padjen LLC

/s/ Robert Padjen
Robert Padjen #14678
5290 DTC Parkway, Suite 150
Englewood, CO 80111
Direct (303) 830-3173
Fax (303) 830-3135
Email rp@jlrplaw.com
Counsel to the Debtor

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of February, 2013, I deposited the foregoing document in the United States Mail, First Class postage prepaid, addressed to the attached list.

/s/ Robert Padjen

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO
Hon. A. Bruce Campbell, Bankruptcy Judege

In Re:	|
MESA OIL, INC.,	|
	| Case No. 10-33755 ABC
Debtor.	|
	| Chapter 11
EIN: 85-0295589	|

FINAL DECREE
(Chapter 11 business debtor)

The estate of the above-named Debtor having been fully administered, it is

ORDERED that the chapter 11 case of the above-named debtor is hereby closed.

Dated:_____ BY THE COURT:

_____
United States Bankruptcy Judge

Label Matrix for local noticing
1082-1
Case 10-33755-ABC
District of Colorado
Denver
Wed Feb 27 14:10:32 MST 2013

Garry R. Appel
1660 17th St.
Ste. 200
Denver, CO 80202-1281

Jean C. Arnold
7691 Shaffer Pkwy.
Ste. A
Littleton, CO 80127-3010

David T. Brennan
950 17th St.
Ste. 1600
Denver, CO 80202-2828

Jeffrey S. Brinen
303 E. 17th Ave.
Ste. 500
Denver, CO 80203-1258

Robert J. Bruce
1875 Lawrence St.
Ste. 750
Denver, CO 80202-1848

Kenneth J. Buechler
1621 18th St.
Ste. 260
Denver, CO 80202-1267

Jeffrey C. Culbertson
1900 W. Littleton Blvd.
Littleton, CO 80120-2023

James P. Eckels
1660 17th St.
Ste. 200
Denver, CO 80202-1281

Terry Ehrlich
7691 Shaffer Pkwy.
Ste. A
Littleton, CO 80127-3010

Denise Ann Faulk
1275 W. Washington
Phoenix, AZ 85007-2926

John B. Greer
921 Walnut St.
Ste. 200
Boulder, CO 80302-5173

James B. Holden
1300 Broadway
8th Floor
Denver, CO 80203-5600

Patricia A. Komor
600 17th St.
Ste. 300N
Denver, CO 80202-5446

David A. Kraft
PO Box 805
Denver, CO 80201-0805

Joel Laufer
5290 DTC Pkwy,
Ste. 150
Englewood, CO 80111-2764

Edward Levy
Dominion Towers, South Tower
600 Seventeen St.
Ste. 610-S
Denver, CO 80202-5430

Lori A. Lewis
301 W. Jefferson, Ste. 3200
Phoenix, AZ 85003-2143

Jeffery O. McAnallen
1700 Lincoln St.
Suite 4000
Denver, CO 80203-4540

Robert Padjen
5290 DTC Parkway
Suite 150
Englewood, CO 80111-2764

Paul G. Urtz
1660 Lincoln St.
Ste. 2850
Denver, CO 80264-2800

Leo M. Weiss
999 18th St.
Ste. 1551
Denver, CO 80202-2415

Risa Lynn Wolf-Smith
555 17th St.
Ste. 3200
Denver, CO 80202-3921

End of Label Matrix
Mailable recipients 22
Bypassed recipients 0
Total 22

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO
Hon. A. Bruce Campbell, Bankruptcy Judege

In Re: **MESA OIL, INC.,** Debtor. EIN: 85-0295589	Case No. 10-33755 ABC Chapter 11

FINAL DECREE
(Chapter 11 business debtor)

The estate of the above-named Debtor having been fully administered, it is

ORDERED that the chapter 11 case of the above-named debtor is hereby closed.

Dated: April 10, 2013

BY THE COURT:

United States Bankruptcy Judge

Appendix D

Storm enforcement

NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

BILL RICHARDSON
Governor
DIANE DENISH
Lieutenant Governor

Harold Runnels Building, N2050
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-0187 Fax (505) 827-0160
www.nmenv.state.nm.us

RON CURRY
Secretary
SARAH COTTRELL
Deputy Secretary

September 13, 2010

John Blevins
Director, Water Enforcement Branch (6EN-WC)
Compliance Assurance and Enforcement Division
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: **Notice of Proposed Consent Agreement and Final Order**
Docket No. CWA-06-2010-1898
NPDES No.: NMR10GX38
Mesa Oil, Inc.

Dear Mr. Blevins:

Thank you for your letter subject as above offering the Environment Department an opportunity to confer with EPA on the proposed penalty assessment. We appreciate the opportunity to confer on this matter. At this time, we do not believe a conference is necessary. We would appreciate being kept apprised of any developments as they may occur.

If you have any questions, please contact me at (505) 827-2827 or contact Richard Powell of my staff at (505) 827-2798.

Sincerely,

Glenn E. Saums, Acting Chief
Surface Water Quality Bureau

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

Glenn enforcement

August 31, 2010

Mr. Glenn Saums
Acting Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 5469
Santa Fe, NM 87502-5469

Re: Notice of Proposed Administrative Penalty Assessment
Docket Number: CWA-06-2010-1898
NPDES Permit Number: NMR10GX38

Dear Mr. Saums:

Enclosed is a copy of the proposed Consent Agreement and Final Order (CAFO), which contains all elements of an administrative complaint, that the Environmental Protection Agency (EPA) is proposing to issue to Mesa Oil, Inc. (Respondent), pursuant to Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g). EPA is proposing the CAFO, with complaint therein, to administratively assess a Class II civil penalty of $78,000.00 against the Respondent for violations of the CWA. Because the violations have occurred in the State of New Mexico, I am offering you an opportunity to confer with us regarding the proposed penalty assessment.

You may request a conference within two weeks of receipt of this letter. The conference may be in person or by telephone and may cover any matters relevant to the proposed penalty assessment. If you wish to request a conference or if you have any comments or questions regarding the matter, please contact Mr. Everett H. Spencer, of my staff, at (214) 665-8060.

Sincerely,

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

August 31, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED (7008 0150 0003 0411 6303)

Mr. Laurence Meers, President
Mesa Oil, Inc.
7239 Bradburn Blvd.
Denver, CO 80030

Re: Administrative Order Docket Number CWA-06-2010-1897
Notice of Proposed Assessment of Class II Civil Penalty
Docket Number CWA-06-2010-1898
NPDES Permit Number NMR10GX38

Dear Mr. Meers:

Enclosed is an Administrative Order (AO) issued to Mesa Oil, Inc., for violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Violations were identified based on our review of an inspection of your oil and scrap recycling facility in Belen, New Mexico, conducted by the New Mexico Environment Department on July 8, 2010. The results were discussed with your representative at the time of the inspection. The violations found include, but are not limited to, the following:

1. Failure to implement Best Management Practices coupled with rainfall events of one-half inch or greater could potentially cause discharges(s) of pollutants to waters of the United States;

2. failure to implement the Storm Water Pollution Prevention Plan (SWPPP); and

3. failure to perform quarterly, quarterly visual, and annual comprehensive inspections at the facility.

The AO requires compliance with applicable federal regulations within thirty (30) days of its receipt.

Also enclosed for your review is a Consent Agreement and Final Order (CAFO) that specifies a proposed settlement agreement between the Environmental Protection Agency (EPA) and Mesa Oil, Inc. resolving the violations alleged therein. If you wish to enter into this settlement agreement, please sign, date and return the CAFO with original signature, to the attention of Mr. Scott McDonald (6RC-EW) at the address above.

If you agree to settle this matter by signing and returning the CAFO, EPA will solicit public comments, which may impact the settlement. After consideration of public comments, EPA will sign and issue the CAFO which is effective upon filing with the Regional Hearing Clerk. Please do not send payment of the penalty until you receive the CAFO signed by EPA. By signing the CAFO and agreeing to settle the case, you waive your right to a hearing on, and to a judicial appeal of, the agreed civil penalty of seventy-eight thousand dollars ($78,000.00) specified in the CAFO.

Please also find enclosed an "Information Sheet" relating to the Small Business Regulatory Enforcement Fairness Act and a "Notice of Registrant's Duty to Disclose" relating to the disclosure of environmental legal proceedings to the Securities and Exchange Commission.

The EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System program, and my staff will assist you in any way possible. If you have any questions, or wish to discuss the possibility of a settlement of this matter, please contact Mr. Everett H. Spencer, of my staff, at (214) 665-8060.

Sincerely,

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure(s)

cc: w/CAFO-Regional Hearing Clerk

Mr. Glenn Saums
Acting Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 5469
Santa Fe, NM 87502-5469

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1445 Ross Avenue, Suite 1200, Dallas, TX 75202
FINDINGS OF VIOLATION AND COMPLIANCE ORDER
Docket Number: CWA-06-2010-1897, NPDES Permit Number: NMR10GX38

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Section 309(a) of the Clean Water Act ("Act"), 33 U.S.C. § 1319(a). The Administrator of EPA delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who further delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Mesa Oil, Inc. ("Respondent") is a "person" as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5).

2. At all times relevant to the violations alleged herein, Respondent owned or operated a scrap and oil recycling facility, classified under SIC Code 5093, Sector N (scrap recycling facilities), located at 20 Lucero Drive, Belen, New Mexico ("facility"). The mailing address for the Respondent is 7239 Bradburn Blvd., Denver, CO 80030.

3. At all times relevant to this Order, the facility was a "point source" subject to a "discharge" of "pollutant[s]" as defined by Sections 502(12)&(14), 33 U.S.C. §§ 1362(12) & (14), into the receiving waters of the Rio Grande in Segment 20.6.4.105, which is considered a "water of the United States" as defined by 40 C.F.R. § 122.2. As a result, Respondent and facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.

4. The facility is an industry identified under 40 C.F.R. § 122.26(b)(14)(iii), and as such, is subject to the General Permit for Storm Water Discharges Associated with Industrial Activity issued by EPA on September 29, 2008.

5. Respondent applied for and was issued coverage under the Permit, and was assigned NPDES Permit No. NMR10GX38 by the EPA. Beginning on January 1, 2009, Respondent was authorized to discharge pollutants to waters of the United States, but only in compliance with the specific terms and conditions of the permit.

6. The facility began operations defined as industrial activity in 1996, which continued throughout the time period relevant to this action.

7. On July 8, 2010, the facility was inspected by a New Mexico Environment Department storm water inspector. As a result of this inspection, the facility was found to be in violation of its NPDES permit. During the time period of January 1, 2009 to July 1, 2010, there were at least six (6) rainfall events of one-half (½) inch or greater that resulted or likely resulted in discharges from the outfalls at the facility.

a. Part 2 of the permit was violated in that the storm water controls ("BMPs") at the facility were nonexistent and, from the lack of record keeping (inspections and monitoring), it could not be determined if any existing or new storm water BMPs had ever been installed and maintained.

b. Part 4 of the permit was violated in that the Respondent failed to perform and document the quarterly, quarterly visual, and the annual comprehensive site inspections. As a result of failing to visually monitor and assess the site, oil spills on the ground from the oil recycling operation were discharged from the facility and were not reported as part of the Storm Water Permit and in violation of 40 C.F.R. Part 110 and CWA § 311(b)(4). Prior oil spills and discharges from the site were investigated in 2007, 2009, and 2010 by the NMED, but not reported in the Storm Water Pollution Prevention Plan ("SWPPP") or in accordance with the Oil Pollution Act.

c. Part 6 of the permit was violated in that the Respondent failed to perform and document the quarterly visual monitoring and failed to perform the quarterly analytical sampling and analysis to assess compliance with the benchmark parameters of COD, TSS, TR Aluminum, Copper, Iron, Lead, and Zinc.

d. Part 7 of the permit was violated in that the record keeping requirements in the permit and the SWPPP have been totally disregarded by the Respondent.

8. Each violation of the conditions of the permit described above is a violation of Section 301 of the Act, 33 U.S.C. § 1311.

ORDER

Based on these findings and pursuant to the authority of Section 309(a) of the Act, EPA hereby orders the Respondent to take the following actions:

A. Within thirty (30) days of the effective date of this Order, Respondent shall submit a report describing the steps taken to correct the violations cited in paragraph 7a-d above. The respondent shall also develop a timeline showing how long it will take to implement the SWPPP and return to compliance with the permit.

B. Within thirty (30) days of the effective date of this Order, Respondent shall submit a copy of the revised and updated SWPPP.

C. Within thirty (30) days of the effective date of this Order, the Respondent shall submit a written certification of compliance to the EPA, Region 6. All correspondence should be addressed to:

Mr. Everett H. Spencer
Water Enforcement Branch (6EN-WM)
EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

GENERAL PROVISIONS

Issuance of this Order shall not be deemed an election by EPA to waive any administrative or judicial, civil or criminal action to seek penalties, fines, or other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

Failure to comply with this Order or the Act can result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

Compliance with the terms and conditions of this Order does not relieve the Respondent of its obligation to comply with all applicable federal, state, or local laws or regulations.

The effective date of this Order is the date it is received by the Respondent.

8/31/10
Date

John Blevins
Director
Compliance Assurance and
Enforcement Division

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of	§	
	§	
MESA OIL, INC.,	§	
a New Mexico Corporation,	§	
	§	Docket No. CWA-06-2010-1898
Respondent	§	
	§	
	§	
	§	
Permit No. NMR10GX38	§	

CONSENT AGREEMENT AND FINAL ORDER

I. PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order ("CAFO") is issued under the authority vested in the United States Environmental Protection Agency ("EPA") pursuant to Section 309(g) of the Clean Water Act ("Act"), 33 U.S.C. § 1319(g). This CAFO is issued to simultaneously commence and conclude this proceeding to assess a civil penalty in accordance with 40 C.F.R § 22.13(b), and §§ 22.18(b)(2) and 22.18(b)(3), as described in the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits."

2. The EPA and Mesa Oil, Inc. ("Respondent") (collectively "Parties") agree that settlement of the relevant matters without litigation will save time and resources, that it is in the public's interest, and that the entry of this CAFO is the most appropriate means of resolving such matters. Compliance with all the terms and conditions of this CAFO resolves only those violations specified in this CAFO.

3. Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific Findings of Fact and Conclusions of Law contained in this CAFO. This CAFO states a claim(s) upon which relief may be granted.

4. Respondent expressly waives any right to contest the factual allegations or conclusions of law contained in this CAFO, and waives its right to appeal the Final Order set forth herein.

5. Before the taking of any testimony, and without adjudication of any issue of law or fact, the parties agree to the terms of this CAFO and to its issuance. Respondent consents to the assessment and payment of a civil penalty in the amount and by the method stated below.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

6. Respondent is a corporation, which was incorporated under the laws of the State of New Mexico, and as such, Respondent is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

7. At all times relevant to the violations alleged herein ("relevant time period"), Respondent owned or operated a scrap and oil recycling facility, located at 20 Lucero Drive, Belen, New Mexico ("facility"). Therefore Respondent is an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

8. During the relevant time period, the facility was a "point source" of a "discharge" of "pollutants" with its storm water discharges to the receiving waters of the Rio Grande, which is considered a "water of the United States" within the meaning of 40 C.F.R. § 122.2. Therefore, the facility acted as a "point source" of a "discharge" of "pollutants."

9. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.

10. Because Respondent owned or operated a facility that acted as a point source of discharges of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the NPDES program.

11. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Any such discharge is subject to the specific terms and conditions prescribed in the applicable permit.

12. The facility began the relevant operations defined as industrial activity in 1996, which continued throughout the time period relevant to this action.

13. Respondent applied for and was issued coverage under the permit described above, and was assigned NPDES Permit No. NMR10GX38, effective January 2009. Beginning on the effective date, Respondent was authorized to discharge pollutants to waters of the United States, but only in compliance with the specific terms and conditions of the permit.

14. Respondent and the facility were subject to the provisions of the Act, 33 U.S.C. § 1251 et seq., and the NPDES program; and Respondent violated Section 301 of the Act, 33 U.S.C. § 1311, by failing to implement the Storm Water Pollution Prevention Plan ("SWPPP") and the Best Management Practices prescribed by the SWPPP; failing to perform quarterly, quarterly visual, and annual comprehensive inspections of the site; failing to report oil spills on the site;

failing to perform the benchmark parameter sampling and analysis; and by failing to keep the required records that would demonstrate compliance with the permit.

15. During the time period of January 2009 through July 1, 2010, there were at least six (6) rain events of one-half (½) inch or more at the facility.

16. Each rainfall event referenced in Paragraph No. 15 resulted or likely resulted in a discharge of pollutants from the facility into waters of the United States; therefore, Respondent violated Section 301 of the Act, 33 U.S.C. § 1311, on more than one occasion.

New Mexico was notified and given an opportunity to consult with EPA regarding the proposed assessment of an administrative penalty against Respondent.

18. EPA notified the public of the proposed CAFO and afforded the public forty (40) days to comment on the proposed penalty. At the expiration of the notice period, the EPA had received no comments from the public.

III. TERMS OF SETTLEMENT

A. PENALTY PROVISIONS

19. Based on the foregoing Findings of Fact and Conclusions of Law, EPA Region 6, considering the relevant criteria pursuant to Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3), and acting pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), hereby orders that Respondent shall pay to the United States a civil penalty in the amount of seventy-eight thousand dollars ($78,000.00) to settle the violations specified in this CAFO.

20. Payment shall be made by one of the following methods within thirty (30) days of the effective date of this CAFO.

a. By mailing a cashier's check or certified check, payable to "Treasurer of the United States," to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

b. By wire transfer to:

Federal Reserve Bank of New York
ABA: 021030004
Account: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read:
"D68010727 Environmental Protection Agency"

c. By overnight mail (Express, FedEx, DHL, etc.) to:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Phone: 314-418-4087

"In the Matter of Mesa Oil, Inc., Docket No. CWA-06-2010-1898" should be clearly marked on the check or other payment method to ensure credit for payment.

21. Respondent shall send simultaneous notices of payment, including a copy of each check, to each of the following:

(1) Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

(2) Chief, Compliance Monitoring (6EN-WC)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

(3) Chief, Water Legal Branch (6RC-EW)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Respondent's adherence to these procedures will ensure proper credit when payment is received by EPA.

22. Respondent agrees not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

23. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. See 40 C.F.R. § 13.11(b).

24. EPA will also assess a fifteen ($15.00) administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional fifteen ($15.00) for each subsequent thirty (30) day period that the penalty remains unpaid. In addition, a penalty charge of up to six percent (6%) per year will be assessed monthly

on any portion of the debt which remains delinquent more than ninety (90) days. See 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. See 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

25. Pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9), any person who fails to pay, on a timely basis, a civil penalty ordered or assessed under this section shall be required to pay, in addition to such penalty and interest, the United States enforcement expenses including, but not limited to, attorneys' fees and costs incurred by the United States for collection proceedings, and a quarterly non-payment penalty for each quarter during which such failure to pay persists. Such non-payment penalty shall be twenty percent (20%) of the aggregate amount of such person's outstanding penalties and nonpayment penalties accrued as of the beginning of each quarter. In such a collection action, the validity, amount, and appropriateness of the penalty assessed by this CAFO, and the terms of this CAFO shall not be subject to review.

B. GENERAL PROVISIONS

26. To execute this Agreement, Respondent shall forward this copy of the CAFO, with original signature, to:

Mr. Scott McDonald (6RC-EW)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

27. Issuance of this CAFO does not relieve Respondent from responsibility to comply with all requirements of the Act and the requirements of any permits issued thereunder, as described in Section 309(g)(7) of the Act, 33 U.S.C. § 1319(g)(7), nor does it constitute a waiver by EPA of its right to enforce compliance with the requirements of Respondent's permits or other requirements of the Act by actions pursuant to Section 309 of the Act, 33 U.S.C. § 1319.

28. In any action to enforce this CAFO, Respondent shall not assert as a defense any act or failure to act by any of its officers, directors, employees, agents, servants, contractors, subcontractors, successors or assigns.

29. Each party agrees to bear its own costs and attorneys' fees in this matter, except to the extent that Respondent may be responsible for reasonable costs and expenses of enforcement and collection proceedings for failure to comply with the terms of this CAFO. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorneys' fees under the Equal Access to Justice Act, 5 U.S.C. § 504, as amended by the Small Business Regulatory Enforcement Fairness Act, Pub.L.104-121, and any regulations promulgated pursuant to those Acts.

30. Each undersigned representative of the parties to this agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this agreement and to execute and legally bind that party to it.

In recognition and acceptance of the foregoing:

_____ _____
For Mesa Oil, Inc. Date

_____ _____
John Blevins Date
Director
Compliance Assurance and
Enforcement Division

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged in the CAFO. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers', agents', servants', employees', successors', or assigns') obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the Consent Agreement. Pursuant to 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Issuance Date: _____

_____
Regional Judicial Officer
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 2010, the original of the foregoing Consent Agreement and Final Order was hand-delivered to the Regional Hearing Clerk, U.S. EPA, Region 6 (6RC-D), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and that a true and correct copy was placed in the United States mail, by certified mail, return receipt requested, addressed to the following:

Copy by certified mail,
return receipt requested:

Mr. Laurence Meers, President
Mesa Oil, Inc.
7239 Bradburn Blvd.
Denver, CO 80030

Copy:

Mr. Glenn Saums
Acting Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 5469
Santa Fe, NM 87502-5469

Hand-delivered:

Mr. Scott McDonald (6RC-EW)
EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202

_____