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Surface Water Quality Bureau

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DAVE MARTIN
Secretary

RAJ SOLOMON, P.E
Deputy Secretary

April 12, 2011

Carl R. Ice, President and Chief Operating Officer
BNSF Railway Corporate Headquarters
2650 Lou Menk Drive
Fort Worth, TX 76131-2830

RE: Industrial Storm Water, SIC 4011, NPDES Compliance Evaluation Inspection, BNSF Railroad Company/Clovis Railyard Terminal, NMR05GP82, March 3, 2011

Mr. Ice:

Enclosed, please find a copy of the report 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 Compliance Evaluation Inspection (CEI) 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) and industrial stormwater Multi-Sector General Permit (MSGP) in accordance with requirements of the federal Clean Water Act. USEPA's MSGP and additional information is available at:

http://cfpub1.epa.gov/npdes/stormwater/msgp.cfm#permit_factsheet

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 to modify your operational and/or administrative procedures, as appropriate. Further, you are encouraged to notify in writing, both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Diana McDonald
US Environmental Protection Agency
Region VI Enforcement Branch (6EN-WM)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

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

I appreciate Mark A Bryant, Kenneth D. Johnson and Larry J. Perez of BNSF Railway Company; and Mr. Cade Beverage, Norris & Son Electric, Inc. cooperation during this inspection. If you have any questions about this inspection report, please contact me at (505) 827-0418.

Sincerely,

/s/Erin S. Trujillo
Erin S. Trujillo
Surface Water Quality Bureau

- cc: Marcia Gail Adams, USEPA (6EN-AS) by e-mail
- Samuel Tates, EPA (6EN-AS) by e-mail
- Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
- Diana McDonald, USEPA (6EN-WM) by e-mail
- Frank Fiore, NMED Environmental Health Division (NMED District IV) by e-mail
- Mark A. Bryant, Terminal Manager, Clovis, BNSF Railway Company by e-mail
- Ron Malleck, Manager, Environmental Operations, BNSF Railway Company 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	G	P	8	2	11	12	1	1	0	3	0	3	17	18	~	19	S	20	2	
Remarks																													
C L O V I S R A I L Y A R D T E R M I N A L																													
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	
BNSF Railway Company, Clovis Railyard Terminal, 121 South Main Street, Clovis, New Mexico, 88101-88101. Curry County		0800 hrs / 03/03/2011		September 29, 2008	
		Exit Time/Date		Permit Expiration Date	
		1340 hrs / 03/03/2011		September 29, 2013	
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)				Other Facility Data	
Mark A. Bryant/Terminal Manager/BNSF Railway Company, Clovis Railyard/575-742-7901, 760-7917 Kenneth D. Johnson/Equipment Supervisor /BNSF Railroad Company, Clovis Railyard/575-742-7911 Cade Beverage/Norris & Son Electric, Inc., Clovis Railyard/575-760-0454 Larry J. Perez /DL Clovis Mechanical/BNSF Railroad Company, Clovis Railyard/575-742-7934				Clovis Terminal Main Office Latitude 34.397721° Longitude -103.205615°	
Name, Address of Responsible Official/Title/Phone and Fax Number				MSGP Sector P / SIC 4011	
Carl R. Ice/BNSF Railway Corporate Headquarters, 2650 Lou Menk Drive Fort Worth, TX 76131-2830/ President and Chief Operating Officer /1-800-795-2673				Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Section C: Areas Evaluated During Inspection

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

U	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	S	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
M	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) BNSF Railway Company submitted a Notice of Intent (NOI) to obtain coverage under the USEPA NPDES industrial stormwater 2008 Multi-Sector General Permit (MSGP) on October 8, 2009 after the deadline of January 5, 2009 for existing dischargers covered under the 2000 MSGP. The NOI may not have been signed/certified by a responsible corporate official per Appendix B.11 of the 2008 MSGP.
- 2) See attached further explanations, checklist and photo log.

Name(s) and Signature(s) of Inspector(s) Erin S. Trujillo /s/Erin S. Trujillo	Agency/Office/Telephone/Fax NMED/SWQB/505-827-0418	Date 04/12/2011
Signature of Management QA Reviewer Richard E. Powell /s/Richard E. Powell	Agency/Office/Phone and Fax Numbers NMED/SWQB/505-827-2798	Date 04/12/2011

**BNSF Railroad Company – Clovis Railyard Terminal
Compliance Evaluation Inspection – Industrial Stormwater
NPDES Tracking No. NMR05GP82**

March 3, 2011

Further Explanations

BNSF Railway Company, is an operator of railroad transportation (switching and terminal establishment and line-haul operating) with locomotive vehicle maintenance activities, including fueling, in Clovis, New Mexico. The facility has activities on site that meet the description in Category 40 CFR 122.26(b)(14)(viii), and Sector P (Transportation and Warehousing) of the MSGP. Previous NPDES Tracking Numbers for the facility include NMR05B146 (2000 MSGP), NMR5A479 (1995 MSGP), and NMR00A641 (Baseline Permit).

Upon arrival at approximately 0800 hours on March 3, 2011, the inspector made introductions, stated the purpose of the inspection and presented credentials to Mr. Mark A. Bryant, Terminal Manager, Clovis Yard, BNSF Railway Company. The inspector toured the facility and conducted a preliminary exit interview with Mr. Kenneth D. Johnson, Equipment Supervisor and Mr. Larry J. Perez, Mech DL Clovis Mechanical, both of BNSF Railroad Company; and Mr. Cade Beverage, Norris & Son Electric, Inc. The facility's Stormwater Pollution Prevention Plan (SWPPP) off-site contact, Mr. Ron Malleck, Manager, Environmental Operations, BNSF Railway Company, was contacted during the inspection, but was not available. Mr. Bryant was also not available during the exit interview according to the on-site operator representatives. The inspector left the facility at approximately 1340 hours on the day of the inspection.

This report is based on review of USEPA's on-line notice of intent (eNOI) and processing center database, files maintained by the operator and NMED, and on-site observation by NMED personnel, and verbal information provided by the on-site operator representatives. National Response Center (NRC) reports at <http://www.nrc.uscg.mil/nrchp.html> and corporate officer information at <http://www.bnsf.com/about-bnsf/our-people/our-officers> was reviewed for this report.

NPDES Industrial Storm Water Checklist (MSGP)

<u>National Database Information</u>			<u>General</u>	
Inspection Type	Compliance Evaluation		Inspector Name	Erin S. Trujillo
NPDES ID Number	NMR05GP82		Telephone	505-827-0418
Inspection Date	03/03/2011		Entry Time	0800 hrs
Inspector Type <i>(circle one)</i>	EPA	State	Exit Time	1340 hrs
Facility Sector/ SIC/Activity Code	Sector P / SIC 4011 / P1		Signature	/s/Erin S. Trujillo

<u>Facility Location Information</u>				
Name/Location/ Mailing Address	BNSF Railway Company, Clovis Railyard Terminal, 121 South Main Street, Clovis, New Mexico, 88101-88101. Curry County			
GPS Coordinates	Latitude	34.397721°	Longitude	-103.205615°
Receiving Water(s)	City of Clovis small Municipal Separate Storm Sewer Systems (sMS4), thence to unclassified surface waters, thence to Blackwater Draw in the Brazos Headwaters Sub-basin, Texas-Gulf Basin tributary to the Brazos River in Texas.			

<u>Contact Information</u>		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	BNSF Railway Company - Owner/Operator	1-800-795-2673
Facility Contact	Mark A. Bryant, Clovis Terminal Manager, BNSF Railway Company	575-742-7901, 760-7917
Authorized Official(s)	Carl R. Ice, President and Chief Operating Officer, BNSF Railway Corporate Headquarters	1-800-795-2673

<u>Basic Permit Information</u>			<u>Basic SWPPP Information</u>		
Permit Coverage	<input checked="" type="checkbox"/> Y	N	SWPPP Prepared & Available	<input checked="" type="checkbox"/> Y	N
Permit Type	General	Individual	SWPPP Contents Satisfactory	Y	<input type="checkbox"/> N
Operational Date	Built 1907	BN and AT&SF Merge 1996	SWPPP Implementation Satisfactory	Y	<input type="checkbox"/> N
NOI/Application Date	10/08/2009		SWPPP Date	05/08/2008	
If applicable, is no exposure certification on file?	Y	N	<i>Intentionally left blank</i>		

NPDES Industrial Storm Water Checklist (MSGP)

SWPPP Review			
General	Notes:		
Was the SWPPP completed prior to NOI submission?	<input checked="" type="checkbox"/>	N	SWPPP dated May 2006 was prepared by Kennedy/Jenks Consultants, Engineers and Scientists, Washington, D.C. with portions revised in May 2008.
Copy of the NOI and acknowledgment letter from EPA?	Y	<input checked="" type="checkbox"/>	
Copy of the permit language?	<input checked="" type="checkbox"/>	N	
Have copies of inspection reports/all other documentation been retained as part of the SWPPP for 3 years from date permit coverage expires?	Y	<input checked="" type="checkbox"/>	Not documented. Facility has kept records since 2000 MSGP expired in Oct 2005 and permit coverage continued to 01/05/2009. Possible gaps were observed for preventative maintenance inspections in May, July and Sept of 2008. No documentation of quarterly visual assessment was contained in SWPPP for the 2 nd Qtr of 2008. On-site representative stated that there may be additional records of inspections by a previous employee that could be reviewed to confirm if all documentation had been retained in SWPPP.
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: <ul style="list-style-type: none"> • Routine facility inspection (4.1.3) • Quarterly visual assessment (4.2.3) • Benchmark monitoring (6.2.1.3). 	Y	N	Not applicable.
Does the SWPPP include copies of relevant parts of other documents (e.g., SPCC) referenced in the SWPPP?	<input checked="" type="checkbox"/>	N	
Does the SWPPP include documentation to support eligibility under the Endangered Species Act?	<input checked="" type="checkbox"/>	N	
Does the SWPPP include documentation to support eligibility under the Historic Preservation Act?	<input checked="" type="checkbox"/>	N	
Does the SWPPP include documentation to support eligibility under NEPA (New Source)?	Y	N	Not applicable.
Did all "operators" sign/certify the SWPPP?	Y	<input checked="" type="checkbox"/>	Not documented--see additional notes below. Also, certification language was not updated (see slight change in Part B.11.E in 2008 MSGP).
Is the storm water pollution prevention team identified (name or title)?	Y	<input checked="" type="checkbox"/>	Not updated. Listed team leader retired and replacement started two days before this inspection according to on-site operator representatives.
Are the storm water pollution prevention team's responsibilities identified?	<input checked="" type="checkbox"/>	N	

NPDES Industrial Storm Water Checklist (MSGP)

<u>Site Description</u>			Notes:
SWPPP provides a description of the facility's industrial activities?	<input checked="" type="checkbox"/>	N	
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?	<input checked="" type="checkbox"/>	N	
Is there a site specific site map?	<input checked="" type="checkbox"/>	N	
Does the site map contain the size of the property in acres?	Y	<input checked="" type="checkbox"/>	
Does the site map contain the location and extent of significant structures and impervious surfaces?	<input checked="" type="checkbox"/>	N	
Does the site map contain directions of storm water flow (indicated by arrows)?	Y	<input checked="" type="checkbox"/>	Sheet flow is not sufficiently shown in southern portion of site, especially at unnamed street connecting Tatum Ave to W. Brady Ave and at pipes in southeast portion of site. Part 8.P.4.1 (Drainage Area Site Map) states, "...indicate whether activities occurring there may be exposed to precipitation/surface runoff."
Does the site map contain locations of all existing structural control measures?	Y	<input checked="" type="checkbox"/>	Rock check dams are not shown or otherwise indicated.
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?	<input checked="" type="checkbox"/>	N	
Does the site map contain locations of all storm water conveyances including ditches, pipes and swales?	Y	<input checked="" type="checkbox"/>	Map does not show culvert at previously discussed unnamed street.
Does the site map contain locations of all potential pollutants and significant materials identified under Part 5.1.3.2?	<input checked="" type="checkbox"/>	N	
Does the site map contain locations where significant spills or leaks identified under Part 5.1.3.3 have occurred?	Y	<input checked="" type="checkbox"/>	See additional notes below.
Does the site map contain locations of all storm water monitoring points?	Y	<input checked="" type="checkbox"/>	Not documented. Map only indicates one monitoring point (Outfall 1). Map shows sheet flow off-site at yard office and bridge structure equipment and material storage area in northern portion of facility, but does not indicate that there are no stormwater discharges from industrial activity. As previously discussed, sheet flow was not shown in southern portion of site to confirm that there are no monitoring points near railyard terminal equipment, material storage and loading areas, including culvert at unnamed road and pipes in southeast portion of site.

NPDES Industrial Storm Water Checklist (MSGP)

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	<input type="checkbox"/> N	Not documented (see previous notes).
Does the site map contain municipal separate storm sewers and where the facility discharges to them?	<input checked="" type="checkbox"/> Y	N	But, map does not label SMS4 features at or near Prince Street.
Does the site map contain locations and descriptions of all non-storm water discharges?	<input checked="" type="checkbox"/> Y	N	But, reference on map to IWWS Processed Playa Lake (NPDES) needs to be corrected. Facility has a NMED Ground Water Quality Bureau Discharge Permit (not NPDES permit) to Santa Fe Playa Lake.
Does the site map contain locations of the following activities where these activities are exposed to precipitation? <ul style="list-style-type: none"> • Fueling stations • Vehicle and equipment maintenance and/or cleaning areas • Loading/unloading areas • Locations used for the treatment, storage or disposal of wastes • Liquid storage tanks • Processing and storage areas • 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 • Transfer areas for substances in bulk • Machinery 	<input checked="" type="checkbox"/> 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	<input type="checkbox"/> N	As previously discussed, not documented in southern portion of the facility.
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?	<input checked="" type="checkbox"/> Y	N	
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)?	<input checked="" type="checkbox"/> Y	N	
Does the SWPPP include a list of pollutants and/or pollutant constituents associated with each identified activity?	<input checked="" type="checkbox"/> Y	N	
Does the SWPPP include documentation of where spills and leaks occurred for three years prior to the preparation of the SWPPP?	Y	<input type="checkbox"/> N	Not documented. See additional notes below.

Site Description		Notes:	
Does the SWPPP include a non-storm water discharge evaluation in the SWPPP? Does it include: <ul style="list-style-type: none"> • 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. 	<input checked="" type="checkbox"/>	N	
Does salt storage occur at this facility?	Y	<input checked="" type="checkbox"/>	
Does the SWPPP include a summary of storm water sampling data for the previous permit term?	<input checked="" type="checkbox"/>	N	

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	<input checked="" type="checkbox"/>	Not for detention pond in western portion of site or rock check dams.
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	<input checked="" type="checkbox"/>	Detention pond and rock check dam selection, design, installation (specification), and implementation (procedures and maintenance) not described.
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?	<input checked="" type="checkbox"/>	N	
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)?	<input checked="" type="checkbox"/>	N	But, consideration of the following recommended control measures in Additional Technology-Based Effluent Limits for Good Housekeeping in Part 8.P.3 of 2008 MSGP was not discussed in SWPPP: covering the fueling area and keeping an organized inventory of materials used in the shop.

Controls to Reduce Pollutants		Notes:	
Does the SWPPP include a schedule for pickup and disposal of wastes and routine inspections of tanks and drums?	<input checked="" type="checkbox"/>	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?	<input checked="" type="checkbox"/>	N	
Does the SWPPP include a schedule for preventative maintenance procedures?	<input checked="" type="checkbox"/>	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?	<input checked="" type="checkbox"/>	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?	<input checked="" type="checkbox"/>	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?	<input checked="" type="checkbox"/>	N	
Does the facility implement procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases?	<input checked="" type="checkbox"/>	N	
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?	<input checked="" type="checkbox"/>	N	
Does the facility document and follow procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies?	<input checked="" type="checkbox"/>	N	

Controls to Reduce Pollutants		Notes:
Does the SWPPP document erosion and sediment controls?	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Not updated with rock check dam design, construction and maintenance requirements.
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?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
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 <input type="checkbox"/> N <input checked="" type="checkbox"/>	
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 <input type="checkbox"/> N <input type="checkbox"/>	Not applicable/no storage.
Employee Training – is there a schedule for regular (at least annually) employee training?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
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 <input type="checkbox"/> N <input checked="" type="checkbox"/>	Not documented for detention pond in western portion of site or rock check dams.
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?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Does the facility minimize generation of dust and off-site tracking of raw, final, or waste materials?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Has the facility eliminated non-storm water discharges not authorized by an NPDES permit?	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Not documented. Documentation that an NPDES permit application is not required for direct discharge of process waters from the facility's industrial waste water system (IWWS) to Santa Fe Playa Lake covered under NMED Groundwater Quality Bureau Discharge Permit (DP-10) was not contained in the SWPPP.

Notes on SWPPP Review

Signatures/Certifications

Appendix B.11.A of the 2008 MSGP states, "A. All applications, including NOIs, must be signed as follows: 1. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures."

BNSF Railroad Company NOI was signed and certified by the off-site SWPPP contact, Mr. Ron Malleck, Manager, Environmental Operations, BNSF Railway Company. Mr. Mallack's name was not listed on BNSF Railroad Company's web site for corporate officers. A manager of environmental operations may not meet the signatory requirements of the permit, and as such, Mr. Mallack may not have the authority to sign permit applications for BNSF Railroad Company. Mr. Malleck also signed/certified the SWPPP on 05/08/2008 and annual reports submitted USEPA. No written authorizations were contained in the SWPPP, and as such, the plan and annual reports may not have been signed/certified by a person described in Appendix B.11.A above or a duly authorized representative of that person (see Appendix B.11.B of the 2008 MSGP).

Retaining Records

Part 7.5 Recordkeeping of the 2008 MSGP states, "You must retain copies of your SWPPP...additional documentation..., all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least 3 years from the date that your coverage under this permit expires or is terminated."

The facility's SWPPP in Section 8.0 incorrectly indicates permit requirements by stating, "Copies of monitoring information and reports required for this permit will be retained for at least 3 years from the date of sample, measurement, evaluation, or inspection."

Notes on SWPPP Review

Spills and Leaks

Part 3.1 of the 2008 MSGP states, *"If any of the following conditions occur, you must review and revise the selection, design, installation, and implementation of your control measures to ensure that the condition is eliminated and will not be repeated in the future...an unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs at your facility."*

Part 5.1.3.3 (Spills and Leaks) of the 2008 MSGP states, *"... You must document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the 3 years prior to the date you prepare or amend your SWPPP. Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602."*

Part 5.2 Required SWPPP Modifications of the 2008 MSGP states, *"You must modify your SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part 3.1 and to ensure that they do not reoccur, or to reflect changes implemented when a review following the triggering conditions in Part 3.2 indicates that changes to your control measures are necessary to meet the effluent limits in this permit. Changes to your SWPPP document must be made in accordance with the corrective action deadlines in Parts 3.3 and 3.4, and must be signed and dated in accordance with Appendix B, Subsection 11."*

NRC has report of a 200-gallon diesel spill from a tanker truck to land/concrete at the facility on 08/11/2006 in the 3 years prior to the SWPPP amendment signed on 05/08/2008. Facility's SWPPP Section 4.2 (significant spills or leaks) was not updated since May of 2006. Facility Inspection Report dated 2/15/2011 refers to 02/11/2011 freeze and subsequent leak. This 3,000-gallon diesel water mixture spill/leak was reported to NRC on 02/13/2011. E-mail documentation of BNSF Haz Mat Release Checklist and corrective action was available on-site. Even though discharge did not occur and pipe capped, documentation of this reported leaks was not documented in SWPPP (see Part 3.1 Conditions Requiring Review and Revision to Eliminate Problem), 3.3 (Deadlines), Part 3.4 (Report) and Part 5.2 (Required SWPPP Modifications) of the 2008 MSGP). Per 5.1.2 of the 2008 MSGP, the SWPPP must provide a site map showing locations where significant spills or leaks identified under Part 5.1.3.3 have occurred.

Inspections (Part 4)		
General	Notes:	
Routine Facility Inspections		
Are routine facility inspections conducted at least quarterly while facility operating?	<input checked="" type="checkbox"/> Y	N
Combination of Facility Inspection Forms (SPCC) and Preventative Maintenance Inspections.		
Are inspections documented, including: <ul style="list-style-type: none"> • 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. 	<input checked="" type="checkbox"/> Y	N
Exceptions, including (see 4.1.3): <ul style="list-style-type: none"> • Inactive and unstaffed sites 	Y	N
Not applicable.		
Quarterly Visual Assessment		
Are quarterly visual assessments conducted?	<input checked="" type="checkbox"/> Y	N
Does the assessment consist of a sample collected: <ul style="list-style-type: none"> • 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. 	<input checked="" type="checkbox"/> Y	N

Inspections - Continued		
Are assessments documented, including: <ul style="list-style-type: none"> • 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. 	<input checked="" type="checkbox"/>	N
Exceptions, including (see 4.2.3): <ul style="list-style-type: none"> • 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)?	<input checked="" type="checkbox"/>	N
Conducted by qualified personnel including at least one member of the storm water pollution prevention team?	<input checked="" type="checkbox"/>	N
Cover all areas of the facility?	<input checked="" type="checkbox"/>	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	<input checked="" type="checkbox"/>
		Report does not document review of quarterly visual assessment.

Inspections		
<p>Include observations of the following:</p> <ul style="list-style-type: none"> • 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. 	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N
<p>Are inspections documented, including:</p> <ul style="list-style-type: none"> • 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 	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N As previously discussed, certification language was not updated (see slight change in Part B.11.E of 2008 MSGP).

Monitoring (Part 6)			
<u>General</u>	Notes:		
Does the SWPPP contain a procedure for conducting sector (and co-located) specific benchmark monitoring?	Y	N	Not applicable (Sector P does not require benchmark monitoring).
Does the SWPPP contain procedures for conducting effluent limitations guidelines monitoring?	Y	N	Not applicable (Sector P does not require effluent limitation monitoring).
Does the SWPPP contain a procedure for other monitoring (state or tribal specific; impaired waters; other as required)	Y	N	Not applicable.
Are samples analyzed in accordance with 40 CFR Part 136 methods?	Y	N	No samples collected.
Benchmark Monitoring			
Does the monitoring consist of a sample collected: <ul style="list-style-type: none"> • 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	NA
Is monitoring conducted during each of the first four full quarterly (calendar) monitoring periods following permit coverage?	Y	N	NA
Is the average of the first four quarterly samples < the parameter benchmark?	Y	N	NA

Monitoring			
<p>Is the average of the first four quarterly samples > the parameter benchmark?</p> <ul style="list-style-type: none"> • 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	NA
<p>Exceptions, including (see 6.1 & 6.2):</p> <ul style="list-style-type: none"> • Adverse weather conditions • Climates with irregular storm water runoff • Snowmelt • Substantially identical outfalls (per 5.1.5.2) • Inactive and unstaffed sites. 	Y	N	NA
Effluent Limitations Monitoring			
Sampled once per year?	Y	N	NA
Follow-up requirements if discharge exceeds effluent limit (see 6.3)?	Y	N	NA
Other Required Monitoring			
<ul style="list-style-type: none"> • State or Tribal provisions • Discharges to impaired waters • Additional monitoring required by EPA. 	Y	N	NA
Reporting (Part 7)			
General		Notes:	
Is monitoring data reported to EPA within 30 days of receiving analytical results for the monitoring period?	Y	N	Not applicable.
Is the annual report submitted by 45 days after conducting the comprehensive site inspection?	<input checked="" type="checkbox"/>	N	But, confirmation of facility's submittal of Annual Reports certified was not contained in SWPPP on the day of the inspection. As previously discussed, annual reports may not have been signed by a person described in Appendix B, Subsection 11.A or by a duly authorized representative of that person.
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	Not applicable.

SWPPP Implementation	
<p>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</p>	<p><i>(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)</i></p> <p>Measures included ditches, detention pond that can be manually pumped to ditch as necessary, drip pans, secondary containment, sheltering (covering) of some materials and equipment, documentation of prompt clean up of spills and leaks, and waste water drains to collection system (IWWS).</p>
<p>Good Housekeeping</p>	<p><i>(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)</i></p> <p>Generally, the facility appeared to have good housekeeping control measures. Materials appeared to be kept orderly and labeled on the day of this inspection.</p>
<p>Preventative maintenance</p>	<p><i>(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)</i></p> <p>Facility SWPPP documents preventative maintenance measures (regular inspection, maintenance and repair).</p>

SWPPP Implementation	
Spill Prevention and Response	<p><i>(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)</i></p> <p>Spill kits located on-site. Facility SWPPP documents spill prevention and response control measures. Few areas of surface staining between tracks observed. On-site operator representative stated that accumulated or larger leaks between tracks removed during inspections. No off-site discharges of surface spills/leaks were documented, reported or observed.</p>
Erosion and Sediment Controls	<p><i>(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)</i></p> <p>Rock dams were located along the drainage ditch that flows toward Outfall 001. Some end around erosion and sediment accumulation was observed. As previously discussed, documented engineering practices and specifications were not in SWPPP. Sediment removal, maintenance and/or re-construction of some check dams appears needed. Maintenance and/or additional erosion control measures also appear needed at detention pond.</p>
Management of Runoff	<p><i>(e.g., divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in discharges)</i></p> <p>No evidence of off-site erosion at Outfall 001 or ponding areas was observed on the day of this inspection.</p>
Salt Storage Piles	<p><i>(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)</i></p> <p>No salt storage.</p>

SWPPP Implementation	
Waste, Garbage and Floatable Debris	<p><i>(e.g., keep exposed areas free of such materials or by intercepting them before they are discharged)</i></p> <p>There was little windblown trash observed at the 140 acre facility. Site had trash roll-off containers. On-site operator representative stated that trash is pickup during inspections. Some trash needed to be removed and properly disposed at truck load/unload (fuel transfer) pad and before culvert pipe leading to Outfall 001.</p>
Evidence of non-storm water discharges	<p>No evidence of allowable non-stormwater discharges or equipment or vehicle washing documented or observed on the day of this inspection. Process wastewater discharges previously discussed.</p>
Dust Generation and Vehicle Tracking of Industrial Materials	<p><i>(minimize generation of dust and off-site tracking of raw, final, or waste materials)</i></p> <p>Sediment accumulation and little stabilization was observed in ponding areas, but no dust generation problems observed on day of inspection. Some vehicle tracking was observed on the unnamed road previously discussed, but the tracking does not continue to W. Brady Avenue.</p>

<u>Notes on SWPPP Implementation and Sector Specific Requirements</u>
<p>List and describe structural controls <i>(The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications)</i></p> <p>See previous notes on sector-specific requirements.</p>

NMED/SWQB Official Photograph Log Photo # 1		
Photographer: Erin Trujillo	Date: 03/03/2011	Time: 1124 hours
City/County: Clovis / Curry County		State: New Mexico
Location: BNSF Railroad Company, Clovis Railyard Terminal, NMR05GP82		
Subject: Spill booms are not installed and appear to be trash from fuel facility. Photo also shows example of sediment accumulation in ponding area.		



NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Erin Trujillo	Date: 03/03/2011	Time: 1132 hours
City/County: Clovis / Curry County		State: New Mexico
Location: BNSF Railroad Company, Clovis Railyard Terminal, NMR05GP82		
Subject: Erosion at detention pond.		



NMED/SWQB Official Photograph Log Photo # 3		
Photographer: Erin Trujillo	Date: 03/03/2011	Time: 1156 hours
City/County: Clovis / Curry County		State: New Mexico
Location: BNSF Railroad Company, Clovis Railyard, NMR05GP82		
Subject: Some sediment and trash accumulation below rock check dam at culvert that leads to Outfall 001.		



NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Erin Trujillo	Date: 03/03/2011	Time: 1157 hours
City/County: Clovis / Curry County		State: New Mexico
Location: BNSF Railroad Company, Clovis Railyard Terminal, NMR05GP82		
Subject: Example of end around erosion at one of the rock check dams shown in previous photo.		

