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*Surface Water Quality Bureau*

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DAVE MARKIN  
Secretary

BUTCH TONGATE  
Acting Deputy Secretary

**Certified Mail - Return Receipt Requested**

September 12, 2011

Mr. Joseph Sonchar, President  
BTU Block and Concrete, Inc.  
115 Cimarron Ave.  
P.O. Box 578  
Raton, New Mexico 87740

RE: Industrial Storm Water; SIC 3273; NPDES Compliance Evaluation Inspection; BTU Block & Concrete, Inc.; NPDES Permit No. NMR05GQ87; August 10, 2011

Dear Mr. Sonchar:

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 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.

Problems noted during this inspection are discussed in the Further Explanations section of the inspection report. You are encouraged to review the inspection report and 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 USEPA (Diana McDonald, USEPA (6EN-WM), 1445 Ross Ave., Dallas, Texas 75202) and NMED (at above address) regarding modifications and compliance schedules.

The NPDES Storm Water Multi-Sector General Permit for Industrial Activities (MSGP-2008) was reissued on September 29, 2008. The MSGP, fact sheet and other information on the industrial storm water program can be downloaded at <http://cfpub2.epa.gov/npdes/stormwater/msgp.cfm>.

Thank you for your cooperation and assistance during this inspection. If you have any questions about this inspection report, please contact me at (505) 827-2575.

Sincerely,

*/s/Daniel Valenta*

Daniel Valenta  
Surface Water Quality Bureau

Cc: Marcia Gail Adams, EPA, Enforcement Section (6EN-AS) by e-mail  
Carol Peters-Wagnon, EPA (6EN-WM) by e-mail  
Diana McDonald, EPA (6EN-WM) by e-mail  
Samual Tate, EPA, (6W-AS) by e-mail  
Darlene Whitten-Hill, (6EN) by e-mail

NMED District II by e-mail



### NPDES Compliance Inspection Report

#### Section A: National Data System Coding

|   |                                   |                                   |   |                         |                         |
|---|-----------------------------------|-----------------------------------|---|-------------------------|-------------------------|
| Transaction Code  | NPDES                             | yr/mo/day                         | Inspec. Type  | Inspector               | Fac Type                |
| 1 <input type="text" value="N"/> 2 <input type="text" value="5"/> 3 <input type="text" value="N"/> <input type="text" value="M"/> <input type="text" value="R"/> <input type="text" value="0"/> <input type="text" value="5"/> <input type="text" value="G"/> <input type="text" value="Q"/> <input type="text" value="8"/> <input type="text" value="7"/> 11 12 <input type="text" value="1"/> <input type="text" value="1"/> <input type="text" value="0"/> <input type="text" value="8"/> <input type="text" value="1"/> <input type="text" value="0"/> 17 18 <input type="text" value="~"/> 19 <input type="text" value="S"/> 20 <input type="text" value="2"/> |                                   |                                   |   |                         |                         |
| Remarks   |                                   |                                   |   |                         |                         |
| <input type="text" value="C"/> <input type="text" value="O"/> <input type="text" value="N"/> <input type="text" value="C"/> <input type="text" value="C"/> <input type="text" value="R"/> <input type="text" value="E"/> <input type="text" value="T"/> <input type="text" value="E"/> <input type="text" value="F"/> <input type="text" value="A"/> <input type="text" value="C"/> <input type="text" value="I"/> <input type="text" value="L"/> <input type="text" value="I"/> <input type="text" value="T"/> <input type="text" value="Y"/>  |                                   |                                   |   |                         |                         |
| Inspection Work Days  | Facility Evaluation Rating        | BI                                | QA  | Reserved                |                         |
| 67 <input type="text"/> <input type="text"/> <input type="text"/> 69  | 70 <input type="text" value="2"/> | 71 <input type="text" value="N"/> | 72 <input type="text" value="N"/> 73 <input type="text"/> | 74 <input type="text"/> | 75 <input type="text"/> |

#### 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<br><b>1040 Hours / 8-10-2011</b>                   | Permit Effective Date<br><b>9-29-2008</b>  |
| <b>BTU Block and Concrete: From Eagle Nest go south on Hwy 64 for approximately 7 miles, site is on the right, gate across drive.</b> | Exit Time/Date<br><b>1348/ 8-10-2011</b>                            | Permit Expiration Date<br><b>9-29-2013</b> |
| <b>Colfax County</b>  | Other Facility Data   |  |
| Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)   | <b>N. 36° 34' 00.17"</b>  |  |
| <b>Robert Gurule/ Branch Manager/575-377-1053 cell 575-447-7699 fax 575-377-1054</b>  | <b>W. -105 °16' 03.18"</b>  |  |
| Name, Address of Responsible Official/Title/Phone and Fax Number  | Contacted   | <b>SIC 3273</b>                            |
| <b>Mr. Joseph Sonchar, 115 Cimarron Ave. P.O. Box 578, Raton, NM 87740/ Company President/505-445-2373</b>                            | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | <b>Sector E</b>                            |

#### Section C: Areas Evaluated During Inspection

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

|                                |                           |                                |                         |                                |                          |                                |                      |
|--------------------------------|---------------------------|--------------------------------|-------------------------|--------------------------------|--------------------------|--------------------------------|----------------------|
| <input type="text" value="S"/> | Permit                    | <input type="text" value="N"/> | Flow Measurement        | <input type="text" value="N"/> | Operations & Maintenance | <input type="text" value="N"/> | CSO/SSO              |
| <input type="text" value="U"/> | Records/Reports           | <input type="text" value="U"/> | Self-Monitoring Program | <input type="text" value="N"/> | Sludge Handling/Disposal | <input type="text" value="N"/> | Pollution Prevention |
| <input type="text" value="M"/> | Facility Site Review      | <input type="text" value="N"/> | Compliance Schedules    | <input type="text" value="N"/> | Pretreatment             | <input type="text" value="N"/> | Multimedia           |
| <input type="text" value="N"/> | Effluent/Receiving Waters | <input type="text" value="N"/> | Laboratory              | <input type="text" value="U"/> | Storm Water              | <input type="text" value="N"/> | Other:               |

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

- The Inspector arrived at the site at 1040. There was no one present at the site so a call was made to a posted number. The Branch Manager, Mr. Robert Gurule, was contacted. The purpose of my visit was discussed; Mr. Gurule would be back at the site after 1300. An arrangement was made to meet at that time, permission was granted to take pictures of the site.
- A brief exit interview was held at the site with Mr. Gurule to discuss the preliminary finding of the inspection. The inspector left the site at approximately 1335 hours on August 10, 2011.

|  |                                     |                  |
|--|-------------------------------------|------------------|
| Name(s) and Signature(s) of Inspector(s)   | Agency/Office/Telephone/Fax         | Date             |
| <b>DANIEL VALENTA /s/Daniel Valenta</b>    | <b>NMED/SWQB 505-827-2575</b>       | <b>9/12/2011</b> |
| Signature of Management QA Reviewer        | Agency/Office/Phone and Fax Numbers | Date             |
| <b>RICHARD E. POWELL /s/Richard Powell</b> | <b>505-827-2798</b>                 | <b>9/12/2011</b> |

| National Database Information         |  | General        |                |
|---------------------------------------|--|----------------|----------------|
| Inspection Type                       | Compliance Evaluation  | Inspector Name | Daniel Valenta |
| NPDES ID Number                       | NMR05GQ87  | Telephone      | 505-827-2575   |
| Inspection Date                       | 8/10/2011  | Entry Time     | 1040           |
| Inspector Type<br>(circle one)        | EPA <input type="checkbox"/> State <input checked="" type="checkbox"/> EPA Oversight | Exit Time      | 1335           |
| Facility Sector/<br>SIC/Activity Code | Sector E/Concrete Plant/3273   | Signature      |                |

| Facility Location Information     |  |                  |                             |
|-----------------------------------|--|------------------|-----------------------------|
| Name/Location/<br>Mailing Address | BTU Block and Concrete, P.O. Box 2747, Las Vegas NM 87710<br>7 Miles South of Angel Fire on Hwy 64, Angle Fire, New Mexico 87710 |                  |                             |
| GPS Coordinates                   | Latitude   | 36° 34' 00.17" N | Longitude 105° 16' 03.18" W |
| Receiving Water(s)                | Unnamed drainage thence Cieneguilla Creek, thence Eagle Nest Lake thence to the Cimarron River in the Canadian River Basin.      |                  |                             |

| Contact Information   |                                |                                   |
|---|--------------------------------|-----------------------------------|
|   | Name(s)                        | Telephone                         |
| Name(s) and Role(s) of All Parties Meeting the Definition of Operator | Robert Gurule/ Branch Manager  | 575-377-1053<br>Cell 575-447-7699 |
| Facility Contact  | Robert Gurule/ Branch Manager  | 575-377-1053<br>Cell 575-447-7699 |
| Authorized Official(s)  | Mr. Joseph Sonchar / President | 575-445-2373                      |

| Basic Permit Information                             |   |                                       | Basic SWPPP Information           |                                       |                                       |
|--|---|---------------------------------------|-----------------------------------|---------------------------------------|---------------------------------------|
| Permit Coverage                                      | <input checked="" type="checkbox"/> Y       | <input type="checkbox"/> N            | SWPPP Prepared & Available        | <input checked="" type="checkbox"/> Y | <input type="checkbox"/> N            |
| Permit Type  | <input checked="" type="checkbox"/> General | <input type="checkbox"/> Individual   | SWPPP Contents Satisfactory       | <input type="checkbox"/> Y            | <input checked="" type="checkbox"/> N |
| Operational Date                                     | unknown                                     |                                       | SWPPP Implementation Satisfactory | <input type="checkbox"/> Y            | <input checked="" type="checkbox"/> N |
| NOI/Application Date                                 | 10/20/09                                    |                                       | SWPPP Date                        | 3/10/11                               |                                       |
| If applicable, is no exposure certification on file? | <input type="checkbox"/> Y                  | <input checked="" type="checkbox"/> N | <i>Intentionally left blank</i>   |                                       |                                       |

## NPDES Industrial Storm Water Checklist (MSGP)

| <b>SWPPP Review</b>  |                                       |                            |  |
|--|---------------------------------------|----------------------------|--|
| <u>General</u>   | Notes:                                |                            |  |
| Was the SWPPP completed prior to NOI submission?   | Y                                     | <input type="checkbox"/> N | SWPPP signed 3/10/2011<br>NOI submitted 10/20/09 |
| Copy of the NOI and acknowledgment letter from EPA?  | Y                                     | <input type="checkbox"/> N |  |
| Copy of the permit language?   | Y                                     | <input 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 type="checkbox"/> 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)?<br>Applicable to:<br><ul style="list-style-type: none"> <li>• Routine facility inspection (4.1.3)</li> <li>• Quarterly visual assessment (4.2.3)</li> <li>• Benchmark monitoring (6.2.1.3).</li> </ul> | Y                                     | N                          | N/A  |
| Does the SWPPP include copies of relevant parts of other documents (e.g., SPCC) referenced in the SWPPP?   | <input checked="" type="checkbox"/> Y | N                          |  |
| Does the SWPPP include documentation to support eligibility under the Endangered Species Act?  | <input checked="" type="checkbox"/> Y | N                          |  |
| Does the SWPPP include documentation to support eligibility under the Historic Preservation Act?   | <input checked="" type="checkbox"/> Y | N                          |  |
| Does the SWPPP include documentation to support eligibility under NEPA (New Source)?   | Y                                     | N                          | N/A  |
| Did all "operators" sign/certify the SWPPP?  | <input checked="" type="checkbox"/> Y | N                          |  |
| Is the storm water pollution prevention team identified (name or title)?   | <input checked="" type="checkbox"/> Y | N                          |  |
| Are the storm water pollution prevention team's responsibilities identified?   | <input checked="" type="checkbox"/> Y | 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"/> Y | <input 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"/> Y | <input type="checkbox"/> N            |                       |
| Is there a site specific site map?  | Y                                     | <input checked="" type="checkbox"/> N | No site specific map. |
| Does the site map contain the size of the property in acres?  | Y                                     | <input checked="" type="checkbox"/> N |                       |
| Does the site map contain the location and extent of significant structures and impervious surfaces?  | Y                                     | <input checked="" type="checkbox"/> N |                       |
| Does the site map contain directions of storm water flow (indicated by arrows)?   | Y                                     | <input checked="" type="checkbox"/> N |                       |
| Does the site map contain locations of all existing structural control measures?  | Y                                     | <input checked="" type="checkbox"/> 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                                     | <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"/> N |                       |
| Does the site map contain locations of all potential pollutants and significant materials identified under Part 5.1.3.2?  | Y                                     | <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"/> N |                       |
| Does the site map contain locations of all storm water monitoring points?   | Y                                     | <input checked="" type="checkbox"/> N |                       |
| 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 checked="" type="checkbox"/> N |                       |
| Does the site map contain municipal separate storm sewers and where the facility discharges to them?  | Y                                     | <input checked="" type="checkbox"/> N |                       |
| Does the site map contain locations and descriptions of all non-storm water discharges?   | Y                                     | <input checked="" type="checkbox"/> N |                       |

## NPDES Industrial Storm Water Checklist (MSGP)

| Site Description  |                                       |                            | Notes:   |
|---|---------------------------------------|----------------------------|--|
| <p>Does the site map contain locations of the following activities where these activities are exposed to precipitation?</p> <ul style="list-style-type: none"> <li>• Fueling stations</li> <li>• Vehicle and equipment maintenance and/or cleaning areas</li> <li>• Loading/unloading areas</li> <li>• Locations used for the treatment, storage or disposal of wastes</li> <li>• Liquid storage tanks</li> <li>• Processing and storage areas</li> <li>• 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</li> <li>• Transfer areas for substances in bulk</li> <li>• Machinery</li> </ul> | Y                                     | <input type="checkbox"/> 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 |  |
| 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                                     | <input type="checkbox"/> N | SWPPP documents areas where industrial materials or activities are exposed to storm water, there has been no evaluation or documentation of non-stormwater discharges. |
| 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 | No spills or leaks are documented in the SWPPP, see (photo 1).   |

## NPDES Industrial Storm Water Checklist (MSGP)

| <u>Site Description</u>  |                                       | Notes:                     |  |
|--|---------------------------------------|----------------------------|--|
| Does the SWPPP include a non-storm water discharge evaluation in the SWPPP? Does it include: <ul style="list-style-type: none"> <li>• Date</li> <li>• Description of evaluation criteria</li> <li>• List of the outfalls or onsite drainage points directly observed</li> <li>• Different types of non-storm water discharges and source locations</li> <li>• Actions taken such as a list of control measures for elimination.</li> </ul> | Y                                     | <input type="checkbox"/> N | Per the SWPPP there has been no evaluation or documentation of non-stormwater discharges.  |
| Does salt storage occur at this facility?  | Y                                     | <input type="checkbox"/> N |  |
| Does the SWPPP include a summary of storm water sampling data for the previous permit term?  | Y                                     | <input type="checkbox"/> N |  |
| <u>Controls to Reduce Pollutants</u>   |                                       | 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?   | <input checked="" type="checkbox"/> Y | N                          | Berms and channels are to be used.   |
| 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 type="checkbox"/> 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?   | <input checked="" type="checkbox"/> Y | N                          | Addressed in the SWPPP.  |
| 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"/> Y | N                          | SWPPP describes training and practices to keep site orderly and clean.<br><br>Waste containers are on site to contain and dispose of garbage brought onsite by truck drivers or personnel. |

## NPDES Industrial Storm Water Checklist (MSGP)

| <b>Controls to Reduce Pollutants</b>  |                                       | <b>Notes:</b>                         |  |
|---|---------------------------------------|---------------------------------------|--|
| Does the SWPPP include a schedule for pickup and disposal of wastes and routine inspections of tanks and drums?   | Y                                     | <input checked="" type="checkbox"/> N | No schedule for pickup, disposal of wastes performed as needed.                |
| 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"/> Y | N                                     | Activities described in SWPPP.   |
| Does the SWPPP include a schedule for preventative maintenance procedures?  | Y                                     | <input checked="" type="checkbox"/> N | No schedule included.  |
| 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"/> Y | N                                     | Addressed in SWPPP.  |
| 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                                     | <input checked="" type="checkbox"/> N | Only some tanks are labeled, used, unlabeled containers scattered on property. |
| 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                                     | <input checked="" type="checkbox"/> N |  |
| Does the facility implement procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases?   | Y                                     | <input checked="" type="checkbox"/> N | See photo 1.   |
| 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"/> Y | N                                     | Training addressed in SWPPP.   |
| Does the facility document and follow procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies?  | Y                                     | <input checked="" type="checkbox"/> N |  |

## NPDES Industrial Storm Water Checklist (MSGP)

| <b>Controls to Reduce Pollutants</b>  |   | <b>Notes:</b>              |  |
|---|---|----------------------------|--|
| Does the SWPPP document erosion and sediment controls?  | Y | <input type="checkbox"/> N |  |
| 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 | <input type="checkbox"/> N | A slight rise in the ground in some areas and a small berm in others is in place to minimize discharges. |
| 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 |  |
| 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 | <input type="checkbox"/> N | SWPPP addresses training but no supporting documentation.  |
| 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 | No supporting documentation.   |
| 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 | <input type="checkbox"/> N |  |
| Does the facility minimize generation of dust and off-site tracking of raw, final, or waste materials?  | Y | <input type="checkbox"/> N |  |
| Has the facility eliminated non-storm water discharges not authorized by an NPDES permit?   | Y | <input type="checkbox"/> N | The wash out area has overflowed.  |

## NPDES Industrial Storm Water Checklist (MSGP)

### Notes on SWPPP Review

#### Introduction

On August 10, 2011, Daniel Valenta of the New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) conducted a Compliance Evaluation Inspection (CEI) at a Concrete facility located approximately 7 miles south of Eagle Nest, New Mexico. The purpose of this inspection was to document the facility's status regarding the National Pollution Discharge Elimination System (NPDES) permit requirements for "stormwater discharges associated with industrial activity" under 40 Code of Federal Regulations (CFR) 122.26(b)(14). This site may have industrial activities being conducted that meet the descriptions in Section J (Mineral Mining and Dressing) of the 2008 Multi-Sector General Permit (MSGP). Additional information from the U.S. Environmental Protection Agency (USEPA) on the Multi-Sector General Permit, factsheet and how to apply is available at [http://cfpub1.epa.gov/npdes/stormwater/msgp.cfm#permit\\_factsheet](http://cfpub1.epa.gov/npdes/stormwater/msgp.cfm#permit_factsheet). This CEI report is based on on-site observation by NMED personnel and verbal information provided by Mr. Robert Gurule, Branch Manager.

Storm water discharges from the facility may enter an unnamed drainage and thence the Cieneguilla Creek, thence to Eagle Nest Lake and thence to the Cimarron River in the Canadian River Basin. Cieneguilla Creek is in Segment 20.6.4.309 *State of New Mexico Standards for Interstate and Intrastate Surface Waters, 20.6.4 New Mexico Administrative Code* (NMAC). Cieneguilla Creek has a Total Maximum Daily Load (TMDL) for Temperature, Plant Nutrients, Bacteria (E. coli), Turbidity, and Sedimentation/Siltation. This segment includes the designated uses of domestic water supply, irrigation, high quality coldwater aquatic life, livestock watering, wildlife habitat, and primary contact; and public water supply on the Cimarron River upstream from Cimarron, on Eagle Nest Lake and on perennial reaches of Rayado creek and its tributaries.

#### Finding

The containment berm or rise along the south side of the property, although small appears to be functioning in a limited capacity. Overflows of the washout area, (see photo 2 & 3), traveled to the edge of the berm and the majority of the overflow was contained. There was some visual discoloration of the soil in a few areas running down the outside of the berm but no major or large volume appeared to have discharged.

**The BMP's in place may be severely strained to contain a storm event if the facility wishes to continue to not discharge. If discharges occur monitoring requirements 4.2 and 8.E.4 will need to be addressed.**

## NPDES Industrial Storm Water Checklist (MSGP)

| Inspections (Part 4)  |        |                                       |     |
|---|--------|---------------------------------------|-----|
| <u>General</u>  | Notes: |                                       |     |
| <b>Routine Facility Inspections</b>   |        |                                       |     |
| Are routine facility inspections conducted at least quarterly while facility operating?   | Y      | <input checked="" type="checkbox"/> N |     |
| Are inspections documented, including: <ul style="list-style-type: none"> <li>• Date and time</li> <li>• Name and signature of inspector</li> <li>• Weather information and a description of discharge occurring at the time of the inspection</li> <li>• Previously unidentified discharges from site</li> <li>• Control measures needing maintenance or repairs</li> <li>• Failed control measures that need replacement</li> <li>• Incidents of noncompliance observed</li> <li>• Additional control measures needed.</li> </ul> | Y      | <input checked="" type="checkbox"/> N |     |
| Exceptions, including (see 4.1.3): <ul style="list-style-type: none"> <li>• Inactive and unstaffed sites</li> </ul>   | Y      | N                                     | N/A |
| <b>Quarterly Visual Assessment</b>  |        |                                       |     |
| Are quarterly visual assessments conducted?   | Y      | <input checked="" type="checkbox"/> N |     |
| Does the assessment consist of a sample collected: <ul style="list-style-type: none"> <li>• Within the first 30 minutes of discharge</li> <li>• On discharges that occur at least 72 hours (3 days) from the previous discharge</li> <li>• Collected in a clean, clear glass or plastic container.</li> </ul>   | Y      | <input checked="" type="checkbox"/> N |     |

## NPDES Industrial Storm Water Checklist (MSGP)

| <b>Inspections</b>   |   |                                       |                             |
|--|---|---------------------------------------|-----------------------------|
| Are assessments documented, including: <ul style="list-style-type: none"> <li>• Sample location</li> <li>• Sample collection date/time &amp; visual assessment date/time</li> <li>• Personnel collecting sample &amp; performing assessment and their signature</li> <li>• Nature of the discharge (runoff or snowmelt)</li> <li>• Results of observations (including color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen and other obvious indicators)</li> <li>• Probable sources of contamination</li> <li>• If applicable, reason for not taking samples within 1<sup>st</sup> 30 minutes.</li> </ul> | Y | <input checked="" type="checkbox"/> N |                             |
| Exceptions, including (see 4.2.3): <ul style="list-style-type: none"> <li>• Adverse weather conditions</li> <li>• Climates with irregular storm water runoff</li> <li>• Areas subject to snow</li> <li>• Substantially identical outfalls (per 5.1.5.2)</li> <li>• Inactive and unstaffed sites.</li> </ul>  | Y | N                                     | N/A                         |
| <b>Comprehensive Site Inspections</b>  |   |                                       |                             |
| Are comprehensive site inspections conducted annually (start 9/29/08)?   | Y | <input checked="" type="checkbox"/> N |                             |
| Conducted by qualified personnel including at least one member of the storm water pollution prevention team?   | Y | N                                     | No documentation to review. |
| Cover all areas of the facility?   | Y | N                                     | No documentation to review. |
| 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                                     | No documentation to review. |

## NPDES Industrial Storm Water Checklist (MSGP)

| <b>Inspections</b>   |   |   |                             |
|--|---|---|-----------------------------|
| <p>Include observations of the following:</p> <ul style="list-style-type: none"> <li>• Industrial materials, residue, or trash that may have or could come into contact with storm water</li> <li>• Leaks or spills from industrial equipment, drums, tanks, and other containers</li> <li>• Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site</li> <li>• Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas</li> <li>• Control measures needing replacement, maintenance, or repair</li> <li>• All storm water control measures observed.</li> </ul> | Y | N | No documentation to review. |
| <p>Are inspections documented, including:</p> <ul style="list-style-type: none"> <li>• Date of inspection</li> <li>• Names and titles of personnel making the inspection</li> <li>• Findings from examination of areas of facility from Part 4.3.1</li> <li>• All observations relating to implementation of control measures</li> <li>• Any required revisions to the SWPPP resulting from inspection</li> <li>• Any incidents of noncompliance identified OR certification that facility is in compliance with the permit</li> <li>• A statement signed in accordance with Appendix B, Subsection 11</li> </ul>                                      | Y | N | No documentation to review. |

## NPDES Industrial Storm Water Checklist (MSGP)

| <b>Monitoring (Part 6)</b>  |                                       |                                       |                                 |
|---|---------------------------------------|---------------------------------------|---------------------------------|
| <u>General</u>  | Notes:                                |                                       |                                 |
| Does the SWPPP contain a procedure for conducting sector (and co-located) specific benchmark monitoring?  | <input checked="" type="checkbox"/> Y | <input type="checkbox"/> N            |                                 |
| Does the SWPPP contain procedures for conducting effluent limitations guidelines monitoring?  | <input checked="" type="checkbox"/> Y | <input type="checkbox"/> N            |                                 |
| Does the SWPPP contain a procedure for other monitoring (state or tribal specific; impaired waters; other as required)  | Y                                     | <input checked="" type="checkbox"/> N |                                 |
| Are samples analyzed in accordance with 40 CFR Part 136 methods?  | Y                                     | <input type="checkbox"/> N            | Unknown, no samples ever taken. |
| <b>Benchmark Monitoring</b>   |                                       |                                       |                                 |
| Does the monitoring consist of a sample collected: <ul style="list-style-type: none"> <li>• Within the first 30 minutes of discharge</li> <li>• On discharges that occur at least 72 hours (3 days) from the previous discharge</li> <li>• Document the date and duration (in hours) of the rainfall event, rainfall total (snow - date only) for that rainfall</li> <li>• Prior to commingling.</li> </ul> | Y                                     | <input checked="" type="checkbox"/> N |                                 |
| Is monitoring conducted during each of the first four full quarterly (calendar) monitoring periods following permit coverage?   | Y                                     | <input checked="" type="checkbox"/> N | No samples ever collected.      |
| Is the average of the first four quarterly samples < the parameter benchmark?   | Y                                     | <input checked="" type="checkbox"/> N | No samples ever collected.      |

## NPDES Industrial Storm Water Checklist (MSGP)

| <b>Monitoring</b>  |   |                            |   |
|--|---|----------------------------|---|
| Is the average of the first four quarterly samples > the parameter benchmark?<br><ul style="list-style-type: none"> <li>Make the necessary modifications</li> <li>Continue quarterly monitoring</li> <li>Determine and document that no further pollutant reductions are technologically available and economically practicable and achievable, continue monitoring once per year, notify EPA</li> <li>Natural background pollutant level documentation</li> </ul> | Y | <input type="checkbox"/> N | No samples ever collected.                                    |
| Exceptions, including (see 6.1 & 6.2):<br><ul style="list-style-type: none"> <li>Adverse weather conditions</li> <li>Climates with irregular storm water runoff</li> <li>Snowmelt</li> <li>Substantially identical outfalls (per 5.1.5.2)</li> <li>Inactive and unstaffed sites.</li> </ul>  | Y | <input type="checkbox"/> N | No samples ever collected.                                    |
| <b>Effluent Limitations Monitoring</b>   |   |                            |   |
| Sampled once per year?   | Y | <input type="checkbox"/> N |   |
| Follow-up requirements if discharge exceeds effluent limit (see 6.3)?  | Y | <input type="checkbox"/> N |   |
| <b>Other Required Monitoring</b>   |   |                            |   |
| <ul style="list-style-type: none"> <li>State or Tribal provisions</li> <li>Discharges to impaired waters</li> <li>Additional monitoring required by EPA.</li> </ul>  | Y | N                          | N/A   |
| <b>Reporting (Part 7)</b>  |   |                            |   |
| <b>General</b>   |   | <b>Notes:</b>              |   |
| Is monitoring data reported to EPA within 30 days of receiving analytical results for the monitoring period?   | Y | <input type="checkbox"/> N | No monitoring data ever acquired.                             |
| Is the annual report submitted by 45 days after conducting the comprehensive site inspection?  | Y | <input type="checkbox"/> N | No documented annual report in SWPPP or submitted for review. |
| 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 | <input type="checkbox"/> N | No monitoring data ever acquired.                             |

## NPDES Industrial Storm Water Checklist (MSGP)

| <b>SWPPP Implementation</b>  |  |
|--|--|
| <p><b>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</b></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>All processing of raw materials, loading and unloading, and equipment fueling are done outdoors. Facility has a limited berm to prevent runoff to a receiving drainage. Storage shed on site to house chemicals.</p> |
| <p><b>Good Housekeeping</b></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>Site is orderly in active areas of facility. Storage and inactive areas require attention, spills and open containers of used oil present around site.</p>   |
| <p><b>Preventative maintenance</b></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>Repairs and preventative maintenance described in SWPPP.</p>   |

## NPDES Industrial Storm Water Checklist (MSGP)

| <b>SWPPP Implementation</b>          |  |
|--------------------------------------|--|
| <b>Spill Prevention and Response</b> | <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 procedures and response are discussed in SWPPP. No documentation in SWPPP of any spill event occurring. No emergency numbers and contact personnel listed in SWPPP.</p>                            |
| <b>Erosion and Sediment Controls</b> | <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>There are two wash areas on site that are used to contain process water. The facility perimeter berm acts as an erosion and sediment control.</p> |
| <b>Management of Runoff</b>          | <p><i>(e.g., divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in discharges)</i></p> <p>Per the SWPPP, "a site perimeter is maintained to prevent shallow overland flows from leaving the property." See photos.</p>   |
| <b>Salt Storage Piles</b>            | <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>N/A</p>  |

## NPDES Industrial Storm Water Checklist (MSGP)

| SWPPP Implementation  |  |
|---|--|
| <b>Waste, Garbage and Floatable Debris</b>                          | <p><i>(e.g., keep exposed areas free of such materials or by intercepting them before they are discharged)</i></p> <p>Except in maintenance areas the site appeared clean and ordered.</p> |
| <b>Evidence of non-storm water discharges</b>                       | <p>Yes, see Finding section above.</p>   |
| <b>Dust Generation and Vehicle Tracking of Industrial Materials</b> | <p><i>(minimize generation of dust and off-site tracking of raw, final, or waste materials)</i></p> <p>None appears in place.</p>  |

**NMED/SWQB  
Site Overview**

|   |  |
|---|--|
| City/County: Eagle Nest, New Mexico /Colfax County  |  |
| Location: 7 miles south of Eagle Nest, NM on Hwy 64 |  |
| Subject: Overview of BTU site, taken 7/2009.        |  |



**NMED/SWQB  
Official Photograph Log**

Photo # 1

|  |                 |                  |
|--|-----------------|------------------|
| Photographer: Daniel Valenta   | Date: 8/10/2011 | Time: 1312 hours |
| City/County: Eagle Nest, New Mexico/Colfax County                                |                 |                  |
| Location: BTU site, 7 miles south of Eagle Nest, NM on Hwy 64, facing southeast. |                 |                  |
| Subject: Spills on site, uncapped and open containers, and scattered litter.     |                 |                  |



**NMED/SWQB  
Official Photograph**

Photo # 2

|  |                 |                  |
|--|-----------------|------------------|
| Photographer: Daniel Valenta   | Date: 8/10/2011 | Time: 1306 hours |
| City/County: Eagle Nest, New Mexico/Colfax County                                |                 |                  |
| Location: BTU site, 7 miles south of Eagle Nest, NM on Hwy 64, facing southeast. |                 |                  |
| Subject: Concrete washout area that overflowed.                                  |                 |                  |



**NMED/SWQB  
Official Photograph Log**

Photo # 3

|  |                 |                  |
|--|-----------------|------------------|
| Photographer: Daniel Valenta   | Date: 8/10/2011 | Time: 1308 hours |
| City/County: Eagle Nest, New Mexico/Colfax County                              |                 |                  |
| Location: BTU site, 7 miles south of Eagle Nest, NM on Hwy 64, facing east.    |                 |                  |
| Subject: A small berm runs along the south side of the facility in most areas. |                 |                  |



**NMED/SWQB  
Official Photograph Log**

Photo # 4

|   |                 |                  |
|---|-----------------|------------------|
| Photographer: Daniel Valenta  | Date: 8/10/2011 | Time: 1303 hours |
| City/County: Eagle Nest, New Mexico/Colfax County   |                 |                  |
| Location: BTU site, 7 miles south of Eagle Nest, NM on Hwy 64, facing east.                                     |                 |                  |
| Subject: Berm needs to be maintained at this portion of the site where another concrete washout site is in use. |                 |                  |

