NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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RON CURRY
Secretary
SARAH COTTRELL
Deputy Secretary

Certified Mail – Return Receipt Requested

October 22, 2010

Mr. Charles Noriega, Owner
Bumper to Bumper Auto Repair/Flash Towing
1801 N. Union
Roswell, NM 88201

Re: Industrial Stormwater, SIC 5093, NPDES Compliance Evaluation Inspection, Bumper to Bumper Auto Repair/Flash Towing, NMU001686, October 8, 2010

Dear Mr. Noriega,

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 (Marcia Gail Bohling, USEPA (6EN-WC), 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) was reissued effective September 29, 2008 **(see Federal Register/Vol. 73, No. 189/Monday, September 29, 2008 pg.56572)**. For questions regarding permitting, please see: http://cfpub2.epa.gov/npdes/stormwater/msgp.cfm.

Thank you for your cooperation during the inspection. If you have any questions, please feel free to contact me at the above address or by telephone at (505) 222-9587.

Sincerely,
/s/ Sarah Holcomb
Sarah Holcomb
Environmental Scientist/Specialist
Surface Water Quality Bureau

Cc: Marcia Gail Adams, USEPA (6EN-AS) by email
Carol Peters-Wagnon, USEPA (6EN-WM) by email
Diana McDonald, USEPA (6EN-WM) by email
Samuel Tates, USEPA (6EN-AS) by email

EPA

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

NPDES Compliance Inspection Report

Section A: National Data System Coding

1	Transaction Code	2	NPDES	11	yr/mo/day	17	Inspec. Type	18	Inspector	19	Fac Type	20
	N	5	NMU0016861		101008		~		S		1	

Remarks: SCRAP RECYCLING

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

Section B: Facility Data

Name and Location of Facility Inspected *(For industrial users discharging to POTW, also include POTW name and NPDES permit number)*
BUMPER TO BUMPER AUTO REPAIR AND FLASH TOWING, ROSWELL, NM, CHAVES COUNTY – DEVONIAN ROAD SOUTH OF HWY 285.

Entry Time /Date
0800 HOURS/ 10-8-2010

Permit Effective Date
9-30-2008

Exit Time/Date
0905 HOURS/ 10-8-2010

Permit Expiration Date
9-30-2013

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)
MR. CHARLES NORIEGA, OWNER (575) 914-3238

Name, Address of Responsible Official/Title/Phone and Fax Number
MR. CHARLES NORIEGA, OWNER (575) 914-3238
1801 N. UNION, ROSWELL, NM 88201

Contacted
Yes * No

Other Facility Data

GPS: N. 33° 28’ 58.82”
W. 104° 29’ 49.23”
SIC 5093

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	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
U	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

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

1. **THIS FACILITY HAD NOT APPLIED FOR REQUIRED NPDES PERMIT COVERAGE.**
2. **THIS FACILITY HAS NOT PREPARED NOR IMPLEMENTED A STORM WATER POLLUTION PREVENTION PLAN (SWPPP).**
3. **SEE ATTACHED REPORT FOR FURTHER EXPLANATION/DETAILS.**

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
SARAH HOLCOMB */s/ Sarah Holcomb*	**(505) 222-9587**	**10-22-2010**
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
RICHARD POWELL */s/ Sarah Holcomb*	**(505) 827-2798**	**10-22-2010**

Further Explanations

Introduction

On October 8, 2010, a Compliance Evaluation Inspection was conducted at Bumper to Bumper Auto Repair/Flash Towing, a Scrap Recycling Facility (Standard Industrial Classification Code 5093) located in Roswell, New Mexico, by Sarah Holcomb (accompanied by Richard Powell) of the New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB). **The purpose of this inspection was to document the facility's status regarding the NPDES storm water permit program and storm water regulations at 40 Code of Federal Regulations Part 122.26.**

This facility is engaged in the salvage operation of vehicles for scrap metal. The facility also conducts a towing business in the Roswell area.

Storm water from this facility discharges to the Middle Berendo Creek, thence to Berrendo Creek, thence to the Hondo River, in 20.6.4.206 NMAC of the Pecos Basin (*State of New Mexico Standards for Interstate and Intrastate Surface Waters*). Designated uses of the Hondo River in this section are irrigation, livestock watering, wildlife habitat, secondary contact and warmwater aquatic life.

The inspectors arrived at the Bumper to Bumper Auto Repair facility on Huskey Road at 0800 hours, made observations and traveled to the Flash Towing site on Devonian Road. The inspectors found Mr. Noriega at the second property along with a State Police officer. The inspectors then conducted an entrance interview with Mr. Noriega. The inspectors made introductions, presented their credentials and discussed the purpose of the inspection.

This report is based on verbal information reported by the facility representative, on-site observations made by NMED personnel, and records maintained by NMED and the USEPA.

Findings

Section 301(a) of the Federal Water Pollution Control Act (a.k.a. Clean Water Act) states that "Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.

40 Code of Federal Regulations Part 122.21(a) Duty to apply (1) states: "Any person who discharges or proposes to discharge pollutants…must submit a complete application to the Director in accordance with this section and part 124 of this chapter."

This scrap recycling facility did not have NPDES permit coverage on the date of this inspection. Storm water discharges from this facility can be regulated by either an individual NPDES permit or the Storm Water Multi-Sector General Permit for Industrial Activities (MSGP). This type of facility is covered under Section N – Scrap Recycling and Waste Recycling Facilities.

A Storm Water Pollution Prevention Plan (SWPPP) had not been prepared in written form, was not available at the site for inspection, and was not being implemented on site. A SWPPP should include the following information:

- **A description of potential pollutant sources** – includes a site map, an identification of the types of pollutants that are likely to be present in storm water discharges, an inventory of the types of materials handled at the site that potentially may be exposed to precipitation, a list of significant spills and leaks of toxic or hazardous pollutants, sampling data, a narrative description of the

potential pollutant sources from specific activities at the facility, and identification of specific potential pollutants; and

- **A description of appropriate measures and controls** – includes the type and location of existing and proposed non-structural and structural BMPs (Best Management Practices) selected for each of the areas where industrial materials or activities are exposed to storm water. Non-structural and structural BMPs to be described and implemented include such things as good housekeeping, preventive maintenance, spill prevention and response procedures, periodic inspections, employee training, record keeping, non-storm water evaluations and certifications, sediment and erosion control, as well as implementation/maintenance of traditional storm water management practices, where appropriate.

Activities at this scrap recycling facility can result in the creation of various pollutant sources that include, but are not limited to, the following:

- **Air Pollution Equipment (including incinerators, furnaces, wet scrubbers, filter houses, and bag houses)**: These activities can be a source of pollutants such as hydraulic fluids, oils, fuels, grease and other lubricants, accumulated particulate matter, chemical additives, and PCBs from oil filled electrical equipment. These pollutants can come from normal equipment operations that include the collection and disposal of filter bag material and ash, process wastewater from scrubbers, accumulation of particulate matter around leaking joint connections, malfunctioning pumps and motors, e.g., leaking gaskets, seals or pipe connections, and leaking oil-filled transformer casings.
- **Combustion Engines:** These activities can be a source of pollutants such as Accumulated particulate matter, oil/lubricants, fuel (gas/diesel), fuel additives, antifreeze (ethylene glycol), battery acid, and products of incomplete combustion. These pollutants can come from sources such as spills and/or leaks from fueling tanks, spills/leaks from oil/hydraulic fuel reservoirs, faulty/leaking hose connections, worn gaskets, leaking transmission crankcases and brake systems (if applicable), leaking battery casings and/or corroded terminals..
- **Material Handling Systems (forklifts, cranes, conveyors):** These activities can be a source of pollutants such as hydraulic fluids, oils, fuels and fuel additives, grease and other lubricants, accumulated particulate matter, chemical additives, mercury, lead, and battery fluids. These pollutants can come from sources such as normal operations including spills/leaks from fuel tanks, hydraulic and oil reservoirs due to malfunctioning parts, e.g., worn gaskets and parts, leaking hose connections and faulty seals. Damaged or faulty electrical switches (mercury filled), damaged or leaking battery cases including exposed corroded battery terminals, and damaged or worn battery housings.
- **Stationary Scrap Processing Facilities (balers, briquetters, shredders, shearers, compactors, engine block/cast iron breaks, wire chopper, turnings crusher):** These activities can be a source of pollutants such as heavy metals, e.g., zinc, copper, lead, cadmium, chromium, and hydraulic fluids. These pollutants can come from sources such as normal equipment operations including leaks from hydraulic reservoirs, hose and fitting connections, worn gaskets, spills or leaks from fuel tanks, particulates/residue from scrap processing, malfunctioning pumps and motors, e.g., leaking gaskets, seals or pipe connections, and leaking oil-filled transformer casings.
- **Hydraulic Equipment and Systems, balers/briquetter, shredders, shearers, compactors, engine block/cast iron breaker, wire chopper, and turnings crusher:** These activities can be a source of pollutants such as hydraulic fluids/oils, lubricants, particulate matter from combustion engines, PCBs (oil-filled electrical equipment components), and heavy metals (nonferrous, ferrous). These pollutants can come from sources such as particulate/residue from material processing, spills and/or leaks from fueling tanks, spills/leaks from oil/hydraulic fluid reservoirs, faulty/leaking hose connections/fittings and leaking gaskets.

- **Electrical Control Systems (transformers, electrical switch gear, motor starters):** These activities can be a source of pollutants such as PCBs, mercury(float switches), and ionizing radioactive material (fire/smoke detection systems). These pollutants can come from sources such as oil leakage from transformers, leakage from mercury float switches and faulty detection devices.
- **Torch Cutting:** These activities can be a source of pollutants such as heavy metal fragments and fines. These pollutants can come from sources such as residual/accumulated particulates.

If not properly managed or treated in accordance with an NPDES permit, activities associated with the process of auto recycling at this facility are a potential threat to water quality through storm water discharges.

Site Inspection Summary

Mr. Noriega purchased the property on Devonian Road to run a scrap yard in 2001. Mr. Noriega was charged with dismantling without a license and transporting vehicles with the proper paperwork. The court forced him to close his yard for two years. Mr. Noriega had begun his towing business again and was crushing cars on the Devonian Road property about 6 months ago, again without a license from the state Motor Vehicle Division, and the state police shut down his yard again.

On the day of the inspection, some pollutant sources observed on site that were exposed outside and could potentially come into contact with storm water included: 1) storage of vehicles directly on the ground; and 2) no apparent BMPs on site to control discharges of fluids to the ground.

For additional information on BMPs and SWPPPs for Sector N, please refer to pages 50945-50952 in the document entitled *Final NPDES Storm Water Multi-Sector General Permit for Industrial Activities (Federal Register/Vol. 60, No. 189, Friday, September 29, 1995).* This document can be downloaded from "Storm Water Archived Publications" at: https://cfpub2.epa.gov/npdes/docs.cfm?view=archivedprog&program_id=6&sort=date_published. This is an older, discontinued permit (1995 MSGP) but contains helpful background information that was not included in the 2008 MSGP.

An exit interview to discuss the preliminary findings of this inspection was conducted on-site with Mr. Noriega at approximately 0900-0905 hours. The inspector informed Mr. Noriega of the requirements under the NPDES storm water program regarding permitting requirements, preparation of a SWPPP, and installation of appropriate storm water runoff control practices (per the SWPPP).