



NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau



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February 10, 2011

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

**Re: Storm Water Compliance Inspection; SIC 3273; NPDES Multi-Sector General Permit
#NMU001708; January 27, 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 (Marcia Adams, 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-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 the cooperation and assistance provided to the inspector during our visit to your site. If you have any questions, please feel free to contact me at the above address or by telephone at (505) 827-2575.

Sincerely,

/s/Daniel Valenta

Daniel Valenta
Environmental Scientist/Specialist
Surface Water Quality Bureau

Cc: Marcia Adams, USEPA (6EN-AS) via e-mail
Samuel Tates, USEPA (6SF) via e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) via e-mail
Diana McDonald, USEPA (6EN-WM) via e-mail
Wayne Sonchar, via e-mail
District II, NMED, via e-mail



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 U 0 0 1 7 0 8 11 12 1 1 0 1 2 7 17 18 ~ 19 S 20 2					
Remarks					
C O N C R E T E P R O D U C T S					
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) BTU Block and Concrete, Inc., 1500 North Commerce, P.O. Drawer 2747, Las Vegas, New Mexico 87701 From US 25 exit west 65/104 on to University in Las Vegas, turn right onto North Commerce, travel north until road ends at site.	Entry Time /Date 1318 hours/1-27-2011	Permit Effective Date 9-29-2008
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Carol Estrada/Office Manager/505-425-6156 fax 505-425-3153 Wayne Sonchar/ BTU Inc. Treasurer/ Las Vegas Office Manager/505-425-9329 fax 505-425-7600	Exit Time/Date 1546 hours/1-27-2011	Permit Expiration Date 9-29-2013
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Joseph Sonchar, 115 Cimarron Ave. P.O. Box 578, Raton, NM 87740/ Company President/505-445-2373	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> *	Other Facility Data GPS: N. 35° 36' 29.05" W. -105° 12' 23.69" SIC: 3273 Activity code: E2

Section C: Areas Evaluated During Inspection (S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

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

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

1. FACILITY DOES NOT HAVE REQUIRED NPDES PERMIT COVERAGE.
2. SEE ATTACHED REPORT AND FURTHER EXPLANATIONS.

Name(s) and Signature(s) of Inspector(s) Daniel Valenta /s/Daniel Valenta	Agency/Office/Telephone/Fax NMED/SWQB 505-827-2575	Date 2/10/2011
Signature of Management QA Reviewer Richard Powell /s/Richard Powell	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2798	Date 2/10/2011

Compliance Evaluation Inspection
B.T.U. Block & Concrete, Inc.
January 27, 2011
NMU001708

Further Explanations

Introduction

On January 27, 2011 a Compliance Evaluation Inspection was conducted at B.T.U. Block and Concrete Inc. Las Vegas (BTU), by Daniel Valenta and accompanied by Erin Trujillo of the State of New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB). The purpose of this inspection was to document the operator's status regarding the NPDES multi-sector general storm water permit (MSGP) for industrial activities. This facility has industrial activities being conducted on-site that meet the description of industrial activities in Sector E of the MSGP and stormwater regulations at **40 Code of Federal Regulations (CFR) Part 122.26**.

Facilities primarily engaged in manufacturing concrete products, including ready mixed concrete, are identified as SIC group 327. Although concrete product facilities in SIC group 327 produce a variety of final products, they all have common raw materials and activities.

Common activities, pollutant sources, and possible pollutants at ready-mix plants may or may not include:

- Material handling at concrete product manufacturing facilities – exposed aggregate, concrete, shale, clay, slate, slag, pumice, and limestone as well as spills or leaks of cement, fly ash, admixtures and baghouse settled dust (Possible pollutants: Total suspended solids [TSS], Chemical Oxygen Demand [COD], lead, iron and zinc).
- Mixing concrete – Spilled aggregate, cement and admixture (Possible pollutants: TSS, COD, pH, lead, iron, and zinc).
- Casting/Forming Concrete Products – Concrete, aggregate, form release agents, reinforcing steel, latex sealants, and bitumastic coatings (Possible pollutants: TSS, pH, oil and grease, COD, and BOD).
- Vehicle and Equipment washing at concrete product manufacturing facilities – Residual aggregate, concrete, admixture, oil and grease (Possible pollutants: TSS, pH, COD, oil and grease).
- Equipment/Vehicle Maintenance – gasoline, diesel, fuel, and fuel oil (Possible pollutants: oil and grease, BOD, COD).
- Waste disposal of solvents, oily rags, oil and gas filters, batteries, coolants, and degreasers (Possible pollutants: COD, BOD, oil and grease, pH, lead, iron, zinc, aluminum).

If not properly managed or treated in accordance with an NPDES permit, these activities (many of which do, or may occur at this facility) are a potential threat to water quality through storm water discharges.

Compliance Evaluation Inspection
B.T.U. Block & Concrete, Inc.
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Site Description

The active portion of the property is estimated to be 17 acres, the site borders on the north with a scrap/storage area, (see site overview). The majority of the north and east side of the property are bermed or high in elevation. There is a small containment pond at the northwest corner and a discharge point to the Pecos Arroyo at the northeast corner, (see photo 1). According to the SWPPP this is the only outfall from the site although the south side of the site slopes to the south. The discharge outfall is to the Pecos Arroyo in Water Quality Segment 20.6.4.221 NMAC (*State of New Mexico Standards for Interstate and Intrastate Surface Water*) and not to the Gallinas River as described in the SWPPP. The designated uses for this segment are: warm water aquatic life, secondary contact, livestock watering, and wildlife habitat.

There is an unnamed tributary to the Pecos Arroyo that comes in from the west, crosses under Garfield Ave., runs parallel to the road for a short distance (see photo 2) and then forms a small wetland (see photo 3) before crossing under I-25 to join the Pecos Arroyo. It is unknown at the present time if this stream is supplied by groundwater or springs, it was flowing on the day of the inspection. Mr. Sonchar stated the road belonged to the city and they maintain it. The sides of the road appeared to be covered with concrete, (see photo 2). The south side of the site was bermed at one time but has not been maintained. Mixed piles of concrete/sediment have been dumped at the south west corner and pushed towards the unnamed tributary, (see photo 3). The main entrance/exit road is Garfield Ave. The road is not paved and dead ends at the entrance to BTU, (see photo 4).

An entrance interview was conducted with Carol Estrada, Office Manager, at approximately 1315 hours on January 27, 2011. The inspector made introductions, presented his credentials and discussed the purpose of the inspection. A call was placed to Mr. Wayne Sonchar, Manager, who was not present at the concrete facility. Permission to inspect the facility was obtained. After reviewing the site the inspectors traveled to the retail office to meet with Mr. Sonchar and review documents. The inspector made introductions and presented credentials. An exit interview to discuss the preliminary findings of this inspection was conducted at approximately 1530 hours on January 27, 2011 with Mr. Sonchar. This report is based on a review of the files maintained by the permittee and NMED, on-site observation by NMED personnel and verbal information provided by Mr. Sonchar.

Findings:

The facility filed for and receive coverage under the 2000 MSGP on January 13, 2002 permit number NMR05B113. The 2000 MSGP was automatically continued until they have been granted coverage under the 2008 MSGP or an alternative permit, or coverage is otherwise terminated. No inspections, reports, or SWPPP were available for review that documented activity over this time period.

In order to apply for the 2008 MSGP a SWPPP was prepared by G.L. Environmental Inc. dated September 2009. Mr. Sonchar upon first contact believed they had active coverage under the 2008 MSGP but upon further review stated that the paperwork had been filed and a SWPPP prepared but permit coverage had not been issued. No inspection reports were available for review required under the 2008 MSGP.

**Compliance Evaluation Inspection
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SWPPP Review

- Potential site discharge locations found in photos 3 & 4 have not been addressed in the SWPPP.
- Site may discharge to the Pecos Arroyo and the unnamed tributary not to the Gallinas River.
- Site map does not show the unnamed tributary along the south end of the property.
- Site map does not show sediment traps described in SWPPP.
- Site map does not show the scrap yard of old buses, trucks, and cars.
- SWPPP described training records kept with the plan, no records found.
- SWPPP section 4.1 details an Annual Site Compliance Evaluation will be preformed and submitted before September 28, 2010 no evaluation report submitted for review.
- No copy of submitted NOI.
- No documentation to support claim of no threatened and endangered species or critical habitat in proximity to the BTU Las Vegas site.
- No documentation regarding historic properties.
- No documentation regarding NEPA review.

1. Permit Requirements: Requirement to obtain a permit

- *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, 206, 207, 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 of 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.*
- *In Part 1.3.1 of the MSGP, it states, “To obtain authorization under this permit, you must: Meet the eligibility requirements, submit a complete and accurate Notice of Intent (NOI) either using EPA’s electronic Notice of Intent system or using a paper form...and Develop a Stormwater Pollution Prevention Plan (SWPPP) according to the requirements of part 5 of this permit.*

2. NOI Submittal Deadlines/Discharge Authorization Dates

Table 1-2. NOI Submittal Deadlines/Discharge Authorization Dates		
Category	NOI Submission Deadline	Discharge Authorization Date
<u>Existing Dischargers</u> – in operation as of October 30, 2005 and authorized for coverage under MSGP 2000.	No later than January 5, 2009.	30 days after EPA posts your NOI. Your authorization under the MSGP 2000 is automatically continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.
<u>New Dischargers or New Sources</u> - have commenced discharging between October 30, 2005 and January 5, 2009.	As soon as possible but no later than January 5, 2009.	30 days after EPA posts your NOI.

NMED/SWQB

Satellite Overview

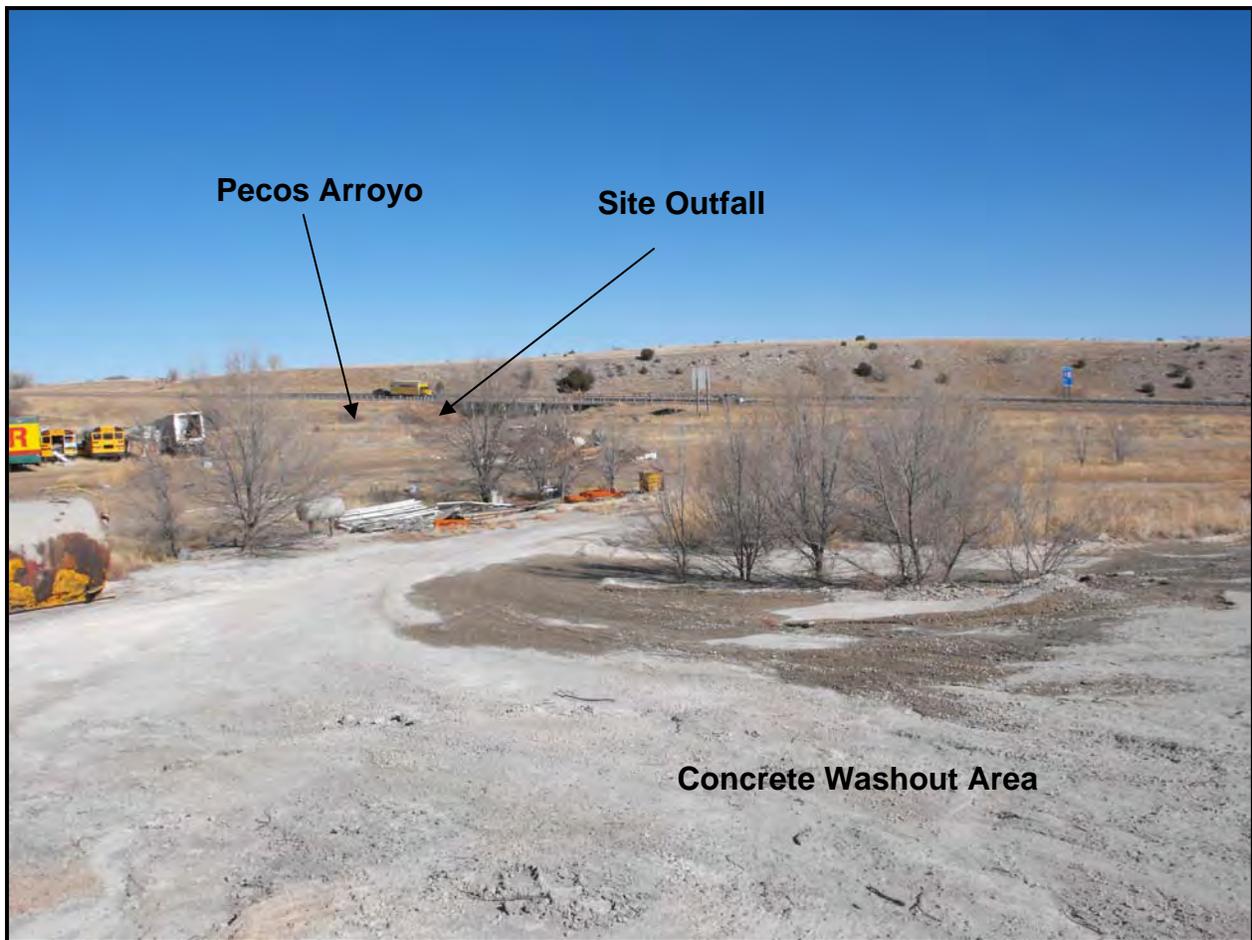
City/County: Las Vegas/San Miguel
Subject: Las Vegas operation of B.T.U. Block & Concrete, Inc. Unnamed tributary joins the Pecos Arroyo which joins Gallinas creek approximately 3miles south of site.



**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 1/27/2011	Time: 1338 hours
City/County: Las Vegas/San Miguel County		
Location:	1500 North Commerce, Las Vegas, New Mexico, B.T. U. Block & Concrete, Inc. northeast corner of property, facing northeast.	
Subject:	On the north side of the property trucks are washed out. The site outfall as described in the SWPPP is located here as it enters the Pecos Arroyo.	



**NMED/SWQB
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: 1/27/2011	Time: 1357 hours
City/County: Las Vegas/San Miguel County		
Location: North end of Garfield Ave, Las Vegas, New Mexico, B.T. U. Block & Concrete, Inc. main entrance to site, west side of property, facing west.		
Subject: Along the sides of the north end of Garfield Ave. before entering the BTU main gate, cement appears to be poured or discarded along the edges of the road.		



Garfield Ave.

**Unnamed
Tributary**

**NMED/SWQB
Official Photograph Log**

Photo # 3

Photographer: Daniel Valenta	Date: 1/27/2011	Time: 1358 hours
City/County: Las Vegas/San Miguel County		
Location: 1500 North Commerce, Las Vegas, New Mexico, B.T. U. Block & Concrete, Inc. southwest corner of property, facing south.		
Subject: Concrete/dirt dumped and pushed towards the unnamed tributary.		



**NMED/SWQB
Official Photograph Log**

Photo # 4

Photographer: Daniel Valenta	Date: 12/8/2010	Time: 1350 hours
City/County: Las Vegas/San Miguel County		
Location: 1500 North Commerce, Las Vegas, New Mexico, B.T. U. Block & Concrete, Inc. main entrance to site, west side of property, facing west.		
Subject: Exit from site onto Garfield Ave., downward slope along road to unnamed tributary.		

