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NEW MEXICO  
ENVIRONMENT DEPARTMENT  
*Surface Water Quality Bureau*

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DAVE MARTIN  
Secretary  
RAJ SOLOMON, P.E.  
Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

May 10, 2011

Mr. Dale W. Janway, Mayor  
City of Carlsbad  
P.O. Box 1569  
Carlsbad, NM 88221

**Re: Industrial Storm Water; SIC 4952; NPDES Compliance Evaluation Inspection; City of Carlsbad Waste Water Treatment Plant; NMU001728; April 27, 2011**

Dear Mr. Janway,

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  
Environmental Scientist/Specialist  
Surface Water Quality Bureau

cc: Marcia Adams, USEPA (6EN-AS) by e-mail  
Samuel Bates, USEPA (6SF) by e-mail  
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail  
Diana McDonald, USEPA (6EN-WM) by e-mail  
NMED District IV, by e-mail  
Art Sena, asena@cityofcarlsbadnm.com



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 U 0 0 1 7 2 8 11 12 1 1 0 4 2 7 17 18 ~ 19 S 20 1					
Remarks					
W A S T E W A T E R T R E A T M E N T P L A N T					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 [ ] [ ] [ ] 69	70 1	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)  <b>Carlsbad WWTP – From US 62- Hobbs Highway towards Hobbs, 2.5 miles SE of Carlsbad, right on county road 605 ( US Refinery Rd), then take next right on country Rd 606 (Blackfoot Rd), Eddy County, New Mexico 88221</b>	Entry Time /Date <b>1415 hours/4-27-2011</b>	Permit Effective Date <b>September 29, 2008</b>
	Exit Time/Date <b>1522 hours/4-27-2011</b>	Permit Expiration Date <b>September 29, 2013</b>
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)  <b>Art Sena, Wastewater &amp; Collections Superintendent/ (575) 887-5412</b>	Other Facility Data  <b>GPS: N. 32° 24' 34.91" W. -104° 10' 44.60"</b>	
Name, Address of Responsible Official/Title/Phone and Fax Number  <b>Mr. Dale W. Janway, P.O. Box 1569, Carlsbad, NM 88221/ Mayor/(575) 887-1191 fax (575) 885-1101</b>	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> *	
<b>SIC: 4952 Activity code: TW</b>		

#### 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	U	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prévention
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 DID NOT HAVE REQUIRED NPDES PERMIT COVERAGE ON DAY OF INSPECTION.
2. SEE ATTACHED REPORT AND FURTHER EXPLANATION.

Name(s) and Signature(s) of Inspector(s) <b>Daniel Valenta /s/Daniel Valenta</b>	Agency/Office/Telephone/Fax <b>NMED/SWQB/505-827-2575</b>	Date <b>5/10/2011</b>
Signature of Management QA Reviewer <b>Richard E. Powell /s/Richard Powell</b>	Agency/Office/Phone and Fax Numbers <b>NMED/SWQB/505-827-2798</b>	Date <b>5/10/2011</b>

**City of Carlsbad Waste Water Treatment Plant  
Compliance Evaluation Inspection  
April 27, 2011**

**Further Explanations**

**Introduction**

On April 27, 2011, Daniel Valenta of the New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) conducted a Compliance Evaluation Inspection (CEI) at the City of Carlsbad, Waste Water Treatment Plant (WWTP) (Standard Industrial Classification 4952, Activity Code TW) in Eddy County, New Mexico. The NMED performs a certain number of CEIs each year for the U.S. Environmental Protection Agency (USEPA), Region VI. The purpose of this inspection was to document the operator's status regarding the USEPA's NPDES Storm Water Multi-Sector General Permit (MSGP) for Industrial Activities (*this facility has industrial activities being conducted on-site that meet the description of industrial activities in section TW*) and storm water regulations at 40 Code of Federal Regulations (CFR) Part 122.26. This inspection report is based on information provided by the Owner/Operator's representatives, observations made by the NMED inspectors, and records and reports kept by the Owner/Operator and/or NMED.

The City of Carlsbad's WWTP is over 20 years old. At the present time the facility is undergoing a major reconstruction project and is in the initial phase. The General Contractor, RMCI Inc. has applied and received a Construction General Permit (CGP), tracking number NMR10HA04 on 2/7/2011. A review of the EPA Notice of Intent (NOI) data base does not indicate the City of Carlsbad, as the owner of the WWTP and on site operator, has applied and received CGP coverage for the project.

The WWTP has a design flow capacity of 5.0 Million Gallons per Day (MGD) and is classified as a major municipal discharger under the federal Clean Water Act, Section 402, of the National Pollutant Discharge Elimination System (NPDES) permit program. Storm water runoff from this facility discharges to the Pecos River in Segment 20.6.4.202 (*State of New Mexico Standards for Interstate and Intrastate Surface Waters, 20.6.4 New Mexico Administrative Code (NMAC)*) of the Pecos River Basin. This segment has designed uses of industrial water supply, irrigation, livestock watering, wildlife habitat, secondary contact, and warmwater aquatic life.

At 1415 hours on April 27, 2011, the inspector made introductions, presented credentials and explained the purpose of this inspection to Mr. Sena, Wastewater & Collections Superintendent. This MSGP inspection followed an inspection of the WWTP's individual permit, NM0026395. The Inspector and Mr. Sena toured the facility. An exit interview to discuss preliminary findings was conducted with Mr. Sena at the WWTP office, the inspection ended at 1522 hours on April 27, 2011.

**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."*

Provisions within the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 temporarily delayed the deadline for Phase I industrial activities (with the exception of power plants, airports, and uncontrolled sanitary landfills) operated by municipalities with populations of less than 100,000 people to obtain an NPDES storm water discharge permit. Congress delayed the permitting deadline for these facilities to allow small municipality's additional time to comply with NPDES requirements. The Phase II Final Rule ended this temporary exemption from permitting. Since March 10, 2003, all ISTEA-exempted municipally operated industrial activities were required to obtain permit coverage.

**City of Carlsbad Waste Water Treatment Plant**  
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These include treatment works treating domestic sewage, or any other sewage sludge or wastewater treatment device or system used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge; that are located within the confines of a facility with a design flow of 1.0 million gallons per day (MGD) or more; or are required to have an approved pretreatment program under 40 CFR Part 403.

However, as of the date of this inspection, this facility does not have coverage under the NPDES Storm Water MSGP for Industrial Activities. Mr. Sena appeared to have some familiarity with the storm water regulations and permit program. The facility was previously covered under the 2000 MSGP, tracking number NMR05B292. The required Storm Water Pollution Prevention Plan (SWPPP) for the expired permit was present at the Facility. There appeared to be some confusion at the facility regarding the need to update the existing SWPPP, acquire a new permit, and implement BMP's and site inspections. EPA sent a letter to the City Administrator, Mr. Burgess, informing him of the need for permit coverage and deadlines for complying, (see attached).

Common activities, pollutant sources, and associated pollutants at treatment works include:

- Preparation of chemical, biological and physical treatment processes - Spills and leaks of process chemicals and materials (Disinfectants, polymers and coagulants, alum, ferric chloride, soda ash, lime, sodium aluminate, sodium hypochlorite, caustic soda, chlorine, sodium bisulfite)
- Soil amending and grass fertilizing - Over fertilizing (Commercial brands of balance fertilizers, commercial sludge based products, nitrogen, other nutrients, phosphorous, ammonia, aluminum sulfate, liquid chlorine, liquid polymer, fuel, oil)
- Liquid storage in above ground storage - External corrosion and structural failure, installation problems, spills and overfills due to operator error, failure of piping systems (pipes, pumps, flanges, couplings, hoses, and valves), leaks or spills during pumping of liquids from barges, trucks, or rail cars to a storage facility (Aluminum sulfate, liquid chlorine, bisulfite, liquid polymer, fuel, oil)
- Pest control - Large quantities of pesticide application, pesticide storage (Diazanone, malathion, amdro, dimethylphthalate, diethyl phthalate, dichlorvos, carbaryl, skeetal, batex, liquid copper)
- Sludge drying beds and storage piles - Sludge (Nitrate, TDS, TSS, ammonia, pathogens)
- Sludge transfer - Sludge, vehicles, transfer equipment (Nitrate, TDS, TSS, oil, fuel, hydraulic fluids, ammonia, pathogens)
- Septage transfer - Solid and liquid sanitary waste, vehicles (Nitrate, TDS, TSS, oil, fuel, hydraulic fluids, ammonia, pathogens)
- Equipment/vehicle maintenance and storage - Spills and leaks of lubricants and coolants (solvents, acids, oil, grease, arsenic, lead, cadmium, chromium, chemical oxygen demand (COD), and benzene)
- Miscellaneous - Grit and scum piles from clarifiers, screens, exposed soil (TSS, heavy metals, pathogens, nitrate)

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.

**City of Carlsbad Waste Water Treatment Plant  
Compliance Evaluation Inspection  
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Although this is a fairly clean, well organized site, there appear to be few Best Management Practices (BMPs) implemented, such as containment ponds and trenches, drip pans, perimeter berms, curbing, runoff diversion structures, regular training, inspections, or other practices to prevent or reduce the pollution of waters of the United States from this facility. A SWPPP should include such things as:

**A description of potential pollutant sources** - includes such things as 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 best management practices (BMPs) selected for each of the areas where industrial materials or activities are exposed to storm water. A SWPPP must contain a narrative evaluation of the appropriateness of storm water management practices that divert, infiltrate, reuse, or otherwise manage storm water runoff so as to reduce the discharge of pollutants. Non-structural and structural BMPs to be described and implemented include such things as minimizing exposure, 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. A combination of preventive and treatment BMPs will yield the most effective storm water management for minimizing the offsite discharge of pollutants via storm water runoff.



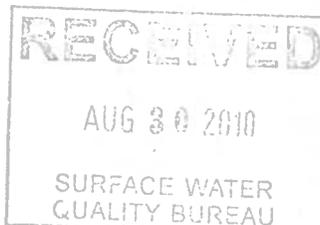
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

AUG 25 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED (7005 1820 0003 7457 0540)

Mr. Harry Burgess  
Administrator  
City of Carlsbad  
P. O. Box 1569  
Carlsbad, New Mexico 88220



Subj: Stormwater discharges associated with industrial activity from Treatment Works

Dear Mr. Burgess:

The Stormwater Multi-Sector General Permit (MSGP) was issued and became effective September 28, 2009. Subpart T of the MSGP applies to stormwater discharges associated with industrial activity from Treatment Works with a design flow of 1.0 million gallons per day (MGD) or more or are required to have an approved pretreatment program under 40 CFR Part 403. Your Treatment Works, NM0026395, has been identified as such a facility.

You are requested to check your records to ascertain whether or not a Storm Water Pollution Prevention Plan (SWPPP) has been developed for your Treatment Works and a Notice of Intent (NOI) has been submitted for permit coverage. You are further requested to send a copy of the NOI and a copy of the signed certified page for the SWPPP within seven (7) days of receipt of this letter to the address above addressed to the attention of Ms. Diana McDonald. If you have not developed a SWPPP and submitted a NOI, you are requested to complete the following within forty-five (45) days of receipt of this letter:

1. Develop a SWPPP designed specifically tailored to your wastewater treatment plant (WWTP);
2. Submit a NOI within 45 days of receipt of this letter;
3. Submit a copy of the signature page for the SWPPP, a copy of the NOI submitted and a copy of the acknowledgement letter returned by the eNOI Processing Center.

If you have any questions, please do not hesitate to contact Ms. McDonald, of my staff, at 214-665-7495.

Sincerely,

Jerry Saunders  
Associate Director (6EN-W)  
Water Enforcement Branch