



NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Surface Water Quality Bureau*



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**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

May 12, 2011

Mr. Dusty Robert Beavers  
B&B Ready Mix  
400 Beavers Road, P.O. Box 220  
Ruidoso Downs, NM 88346

**Re: Industrial Storm Water; SIC 3273; NPDES Compliance Evaluation; B&B Ready Mix;  
NMU001729; April 26, 2011**

Dear Mr. Beavers,

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 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 Tate, USEPA (6SF) via e-mail  
Carol Peters-Wagon, USEPA (6EN-WM) via e-mail  
Diana McDonald, USEPA (6EN-WM) via e-mail  
NMED District I, via e-mail



**Compliance Evaluation Inspection  
B&B Ready Mix  
NMU001729**

**Further Explanations**

**Introduction**

On April 26, 2011, a Compliance Evaluation Inspection was conducted at B&B Ready Mix (Standard Industrial Classification 3273, Activity Code E2) located at 400 Beavers Road, Ruidoso Downs, New Mexico, by Daniel Valenta 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 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**.

An entrance interview was conducted with Mr. Dusty Beavers, Owner/Operator, at approximately 1221 hours on April 26, 2011. The inspector made introductions, presented his credentials and discussed the purpose of the inspection. An exit interview to discuss the preliminary findings of this inspection was conducted at approximately 1330 hours on April 26, 2011 with the facility Owners/Operators Mr. and Mrs. Beavers at the facility. 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 the Beavers.

The site has been in use for decades, at one time it was mined for sand/gravel thus a large depression/hole is present in the middle of the property. Dumped concrete, washout water, and various discarded items were found in this area. The active portion of the property is estimated to be over two acres. The site drains inward except the area along the Herrera ditch which runs along the south east boundary and then flows north towards the Rio Ruidoso, (see photo 1). One area along the Herrera ditch is being used to park the mixing trucks. A berm was present at one time to prevent storm water and other debris from entering the ditch. The berm has not been maintained and is breached in several places. In one area sediment, gravel, concrete, and tires have been pushed/discarded into the ditch, (see photo 2 & 3). Herrera ditch discharges into the Rio Ruidoso approximately 1500 ft north of the site (see site overview). This area should be addressed in the Storm Water Pollution Plan (SWPPP) to minimize the discharge of pollutants to the Rio Ruidoso by proper use of Best Management Practices (BMP's).

Storm water runoff from this facility may discharge to the Rio Ruidoso in Segment 20.6.4.209 (*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 of the Rio Ruidoso has a TMDL for temperature and turbidity, water body identifier NM-2209.A. Designated uses for this segment are domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat, public water supply and primary contact.

This facility primarily engages in the mixing of raw materials, loading the ready mix concrete into delivery vehicles, delivering the materials to a site, cleaning of delivery vehicles with some maintenance of vehicles being performed on site. Although concrete product facilities in SIC group 327 produce a variety of final products, they all have common raw materials and activities. Concrete manufacturers combine cement, aggregate, and water to form concrete. Aggregate generally consists of: sand, gravel, crushed stone, cinder, shale, slag, clay, slate, pumice, vermiculite, scoria, perlite, diatomite, barite, limonite, magnetite, or ilmenite. Admixtures including fly ash, calcium chloride, triethanolamine, calcium salt, lignosulfonic acid, vinsol, saponin, keratin, sulfonated hydrocarbon, fatty acid glyceride, vinyl acetate, and styrene copolymer of vinyl acetate may be added to obtain desired characteristics, such as slower or more rapid curing times. Typically, aggregate is received in bulk quantities by rail, truck, or barge. The first stage in the manufacturing process is proportioning cement, aggregate, admixtures and water, and then transporting the product to a rotary drum, or pan mixer.

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**Findings:**

**Mr. Beaver and/or B&B Ready Mix does not have permit coverage and has not prepared the required documents to file for and receive a permit or conducted the required inspections.**

**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. Per Table 1.2 NOI Submittal Deadlines/Discharge Authorization Dates**

Table 1-2. NOI Submittal Deadlines/Discharge Authorization Dates		
Category	NOI Submission Deadline	Discharge Authorization Date
<b>Other Eligible Dischargers - in operation prior to October 30, 2005 but not covered under the MSGP 2000 or another NPDES permit.</b>	<b>Immediately, to minimize the time discharges from the facility will continue to be unauthorized.</b>	<b>If you post your SWPPP on the Internet, 30 days after EPA posts your NOI. Otherwise, 60 days after EPA posts your NOI</b>

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 E – Glass, Clay, Cement, Concrete, and Gypsum Products. A 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:

- Identification of the staff pollution prevention members (by name and title).
- A list of industrial activities at your site.
- A description of all potential pollutant sources.
- A general location map that includes the location of your facility and receiving waters to which your facility discharges.

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- A site map to include the size of the property in acres, the location and extent of significant structures and impervious surfaces, directions of stormwater flow, locations of all existing structural control measures, locations of all receiving waters in the immediate vicinity of your facility, location of all stormwater conveyances including ditches, pipes and swales, location of potential pollutant sources identified, locations where significant spills or leaks have occurred, location of all stormwater monitoring points, location of stormwater inlets and outfalls with unique identification codes for each outfall, locations and descriptions of all non-stormwater discharges, locations of fueling stations, vehicle and equipment maintenance, loading and unloading areas, location used for treatment or disposal of wastes, liquid storage tanks, processing and storage areas, access roads, machinery, and locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.
- 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 stormwater 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 stormwater. A SWPP must contain a narrative evaluation of the appropriateness of stormwater management practices that divert, infiltrate, reuse, or otherwise manage stormwater 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, preventative maintenance, spill prevention and response procedures, periodic inspections, employee training, record keeping, non-stormwater evaluations and certifications, sediment and erosion control, as well as implementation/maintenance of traditional stormwater management practices, where appropriate. A combination of preventative and treatment BMPs will yield the most effective stormwater management for minimizing the offsite discharge of pollutants via stormwater runoff.

**NMED/SWQB  
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 4/26/2011	Time: 1257 hours
City/County: Ruidoso Downs/Lincoln County		
Location: 400 Beavers Road, Ruidoso Down, New Mexico, B&B Ready Mix		
Subject: Herrera Ditch, which parallels the southeast side of the property, picture taken facing northeast.		

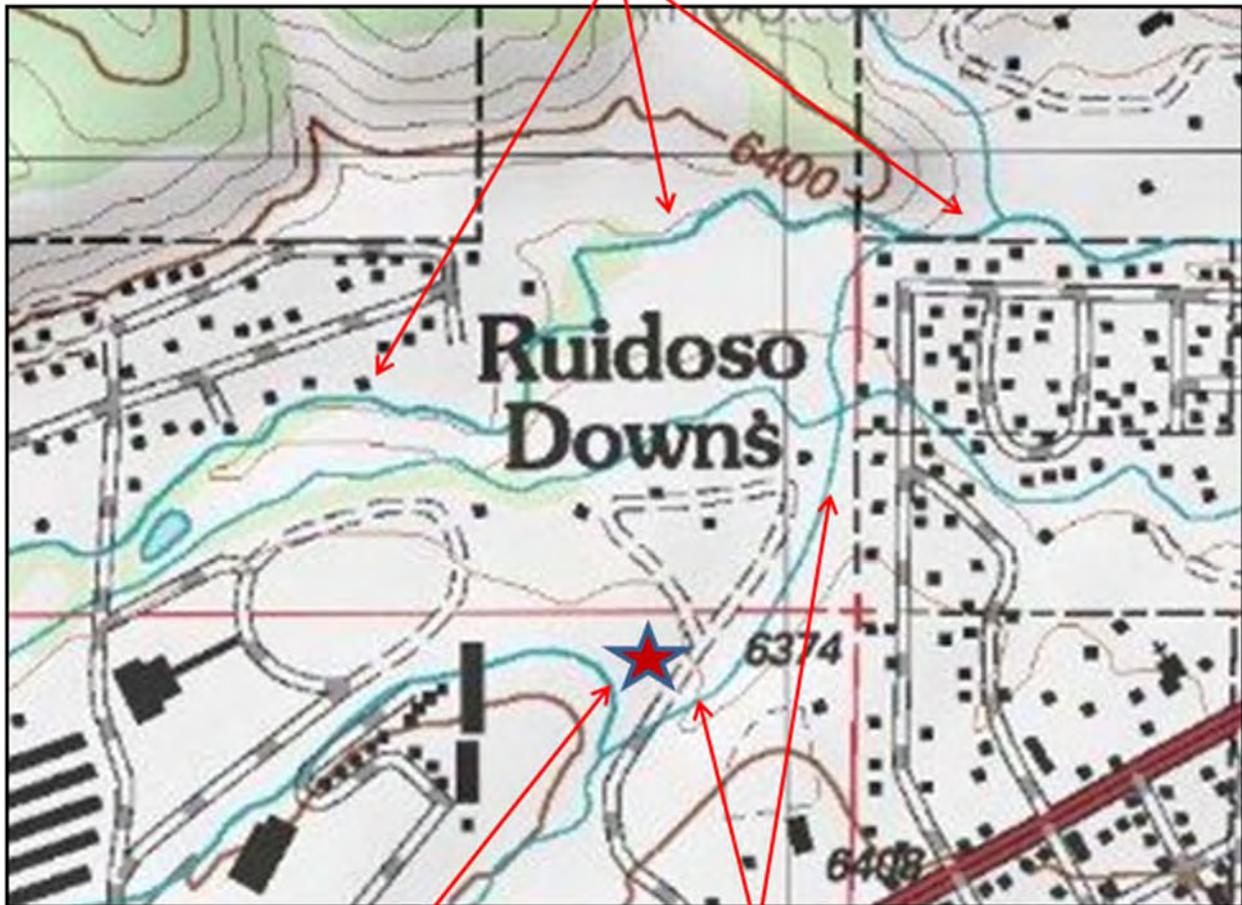


# NMED/SWQB

## Site Overview

City/County: Ruidoso Downs/Lincoln County		
Location: 400 Beavers Road, Ruidoso Down, New Mexico, B&B Ready Mix		
Subject: Overview of area around B&B Ready Mix		

### Rio Ruidoso



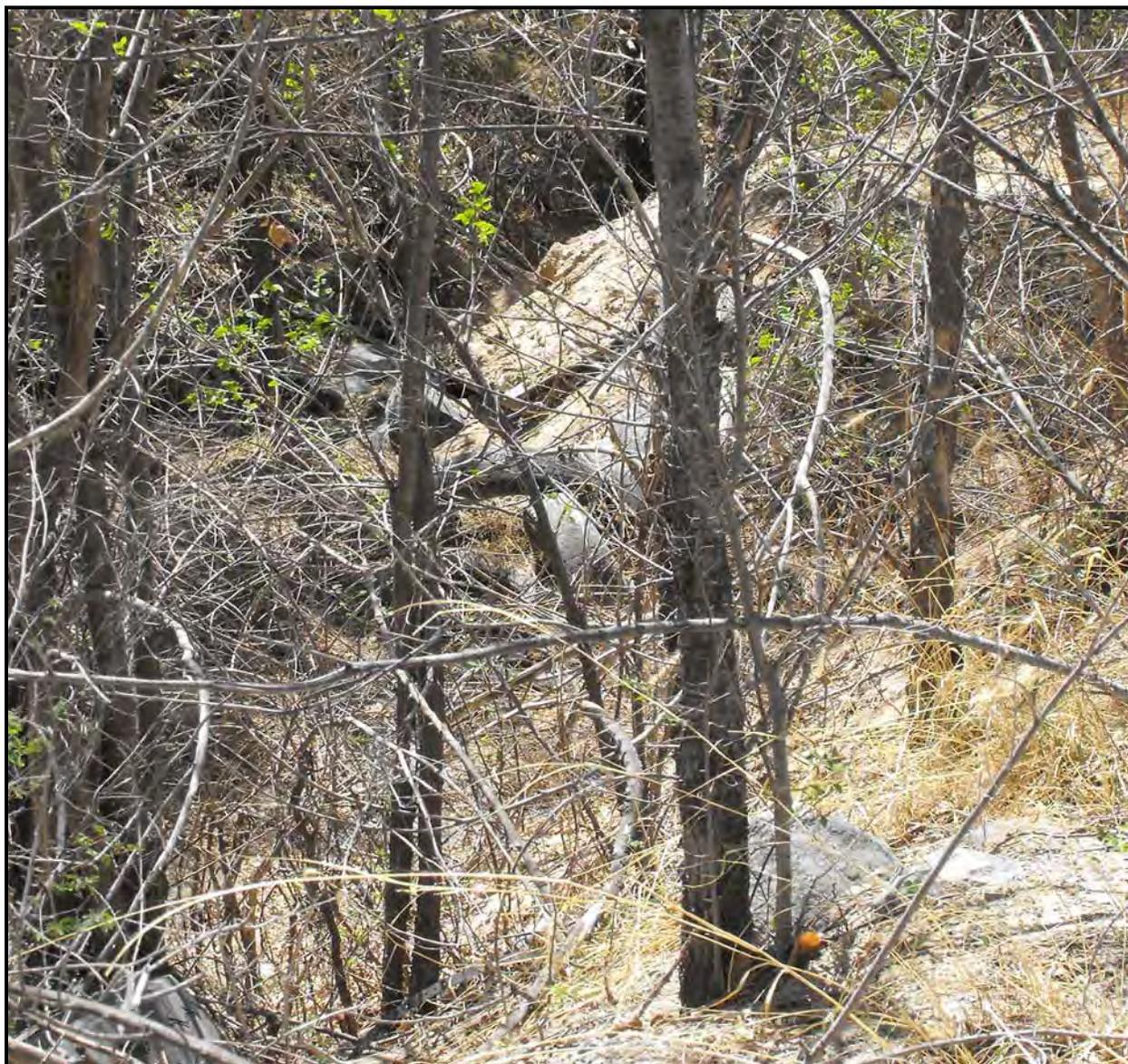
★ B & B Ready Mix

Herrera Ditch

**NMED/SWQB  
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: 4/26/2011	Time: 1301.22 hours
City/County: Ruidoso Downs/Lincoln County		
Location: 400 Beavers Road, Ruidoso Down, New Mexico, B&B Ready Mix		
Subject: Herrera ditch, which parallels the southeast side of the property, sediment, concrete, and tires have been pushed/discarded into ditch. Picture taken facing southwest.		



**NMED/SWQB  
Official Photograph Log**

Photo # 3

Photographer: Daniel Valenta	Date: 4/26/2011	Time: 1301.52 hours
City/County: Ruidoso Downs/Lincoln County		
Location: 400 Beavers Road, Ruidoso Down, New Mexico, B&B Ready Mix		
Subject: Herrera ditch, which parallels the southeast side of the property, sediment, concrete, and tires have been pushed/discarded into ditch. Picture taken facing southeast.		

