



**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Surface Water Quality Bureau

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Deputy Secretary**

**TOM SKIBITSKI
Acting Director
Resource Protection Division**

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 17, 2013

Mr. Tracy Turner, Owner
Blue Collar Construction LLC
P.O. Box 23182
Albuquerque, NM 87192

Re: Industrial Storm Water, SIC 2951, NPDES Compliance Evaluation Inspection, Blue Collar Construction Yard, NMU001851, April 3, 2013

Dear Mr. Turner,

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 that you and Ms. Kim Massey-Dimsha provided during my visit to your site. 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: Hannah Branning, USEPA (6EN-AS) via email
Rashida Bowlin, USEPA (6EN-AS) via email
Carol Peters-Wagnon, USEPA (6EN-WM) via email
Diana McDonald, USEPA (6EN-WM) via email
Darlene Whitten-Hill, USEPA, via email
NMED District III Manager, via email
Auralie Ashley-Marx, Bureau Chief, NMED SWB
John Kieling, Bureau Chief, NMED HWB



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 8 5 1 11 12 1 3 0 4 0 3 17 18 ~ 19 S 20 2					
Remarks					
A S P H A L T E M U L S I O N M A N F					
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) BLUE COLLAR CONSTRUCTION, LLC; SOCORRO, SOCORRO COUNTY, NM: from I-25, take exit 150 onto N. California St. Follow N. California to Spring St./NM 60, turn right. Follow NM60 to Grefco Rd., facility is at 1000 Grefco Road.	Entry Time /Date 1022 hours/4-3-2013	Permit Effective Date 9-29-2008
	Exit Time/Date 1130 hours/4-3-2013	Permit Expiration Date 9-29-2013
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Mr. Tracy Turner, Owner (505) 553-0651 Ms. Kim Massey-Dimsha, Owner (505) 553-0651	Other Facility Data GPS at facility office: N. 34.02691° W. -106.92159° SIC 2951	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Tracy Turner, Owner PO Box 23182, Albuquerque, NM 87192	Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

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
U	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

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

- Inspector arrived at the facility at 1022 hours on April 3, 2013, accompanied by staff from the NMED Solid Waste Bureau and the NMED Environmental Health Bureau. An entrance interview was conducted with Mr. Tracy Turner and Ms. Kim Massey-Dimsha where the inspector discussed the purpose of the inspection. This was initially carried out under state regulations (20.6.2.2201 NMAC). The inspector left the site at 1130 hours on April 3, 2013. After the visit, the site was determined to be eligible for permit coverage under the NPDES MSGP. The inspector notified the owners of the requirements through an email sent on April 8, 2013.

Name(s) and Signature(s) of Inspector(s) Sarah Holcomb /s/ Sarah Holcomb	Agency/Office/Telephone/Fax 505-222-9587	Date 4-17-2013
Signature of Management QA Reviewer Bruce Yurdin /s/ Bruce Yurdin	Agency/Office/Phone and Fax Numbers 505-827-2795	Date 4-9-2013

Compliance Evaluation Inspection
Blue Collar Construction LLC, Sector D
NPDES Permit #NMU001851, April 3, 2013

Further Explanations

Introduction

On April 3, 2013, a Compliance Evaluation Inspection was conducted at the Blue Collar Construction yard (Standard Industrial Classification Code 2951) located in Socorro, NM by Sarah Holcomb of the State of New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB). The purpose of this inspection was to primarily respond to a complaint the department received regarding spillage of asphalt materials into an adjacent arroyo (in conjunction with the NMED Hazardous Waste and Solid Waste Bureaus), but was also 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 D) and stormwater regulations at **40 Code of Federal Regulations (CFR) Part 122.26**.

The inspectors arrived at the facility at 1022 hours. An entrance interview was conducted with Mr. Tracy Turner and Ms. Kim Massey-Dimsha, Owners, during which the inspector made introductions, presented her credentials and discussed the purpose of the inspection. Mr. Turner accompanied the inspectors on a tour of the facility and explained processes and management measures already in place.

Blue Collar Construction engages primarily in road construction and produces asphalt materials for that process. The materials concerned in the complaint NMED received were a raw asphalt mixture which was dumped into the adjacent arroyo and which had travelled about 300 yards from the initial dumping point (the facility representative indicated that approximately 250-300 gallons had been dumped), and an anionic asphalt emulsion (SS1H) contained in a 10,000 gallon tank onsite which had been poured out or had leaked out of the tank into a pit about 3 feet deep. The facility representative indicated that there was approximately 1,600 gallons left in the tank, which would be reused in the process. The MSDS for the asphalt emulsion is attached to this report.

Blue Collar Construction currently leases these 5 acres of land from the City of Socorro, and has done so since approximately October of 2009. The site was previously leased to a hot mix asphalt company.

Storm water from this facility discharges to the Arroyo de la Mantanza, thence to the Nogal Arroyo, thence to the Rio Grande in segment 20.6.4.105 NMAC (*State of New Mexico Standards for Interstate and Intrastate Surface Waters*). Designated uses of the Rio Grande in this section are irrigation, marginal warmwater aquatic life, livestock watering, public water supply, wildlife habitat and primary contact.

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. the 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 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 Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing – under SIC 2951 (Asphalt And Asphaltic Paving Mixtures (Not From Refineries)).

A Storm Water Pollution Prevention Plan (SWPPP) had not been prepared 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 this 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, preventative 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 asphalt emulsion manufacturing facility can result in the creation of various pollutant sources that include, but are not limited to, the following:

- **Material storage and handling:** This activity can be a source of pollutants such as Total Suspended Solids (TSS), pH, oil and grease, and Chemical Oxygen Demand (COD). These pollutants can come from sources such as additives, asphalt, asphalt cement, asphalt concrete, asphalt products, asphalt release agents, crushed stone, fuel, granite, granules, gravel, limestone, lubricants, mineral spirits, oil, quartzite rock, reclaimed asphalt pavement (RAP), sand, slagstone, and slag.

If not properly managed or treated in accordance with an NPDES permit, activities associated with this facility could be a potential threat to water quality through storm water discharges.

Among other things, this facility is required to monitor storm water discharges from this site in accordance with Part 8.D.4 (Effluent Limitation Guidelines) of the permit to include analytical results for Total Suspended Solids (TSS), pH and Oil and Grease. These specific effluent limits are listed in the permit, as well as an additional benchmark limit for TSS.

Site Inspection Summary

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) raw asphalt spilled/dumped into the Arroyo de la Matanza (please see Photo #1), 2) anionic asphalt emulsion in the pit at the south end of the site (please see Photo #5), and 3) various asphalt pieces that were distributed around the site.

An exit interview to discuss the preliminary findings of this inspection was conducted onsite with Mr. Turner and Ms. Massey-Dimsha at approximately 1130 hours. The inspector informed the owners 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) during an email conversation that took place on April 8, 2013.

After returning to the office, the inspector sent Ms. Massey-Dimsha an email with information on the permitting process, including links to the permit, an example Storm Water Pollution Prevention Plan, guidance documents, Best Management Practices and how to file for coverage using the eNOI system. The inspector left business cards with the owners in case there were questions at a later time.

NMED/SWQB

Official Photograph Log

Photo # 1

Photographer: Sarah Holcomb	Date: 4-3-2013	Time: 1045 hours
City/County: Socorro, Socorro County		
Location: Blue Collar Construction yard, Arroyo de la Mantanza		
Subject: Asphalt mixture that was spilled/dumped into the Arroyo de la Mantanza.		



NMED/SWQB

Official Photograph Log

Photo # 2

Photographer: Sarah Holcomb	Date: 4-3-2013	Time: 1059 hours
City/County: Socorro, Socorro County		
Location: Blue Collar Construction yard, Arroyo de la Mantanza		
Subject: Asphalt mixture that was spilled/dumped into the Arroyo de la Mantanza.		



NMED/SWQB

Official Photograph Log

Photo # 3

Photographer: Sarah Holcomb	Date: 4-3-2013	Time: 1044 hours
City/County: Socorro, Socorro County		
Location: Blue Collar Construction yard, Arroyo de la Mantanza		
Subject: Blue Collar Construction staff cleaning up the material in the arroyo.		



NMED/SWQB

Official Photograph Log

Photo # 4

Photographer: Sarah Holcomb	Date: 4-3-2013	Time: 1059 hours
City/County: Socorro, Socorro County		
Location: Blue Collar Construction yard, Arroyo de la Mantanza		
Subject: Tire tracks (indicated by arrow) showing a truck had backed up to the arroyo and dumped the material into the waterbody. Second arrow points to the asphalt area shown in Photo #2.		



NMED/SWQB

Official Photograph Log

Photo # 5

Photographer: Marco Banales	Date: 4-2-2013	Time: various times
City/County: Socorro, Socorro County		
Location: Blue Collar Construction yard		
Subject: Photos taken by NMED Solid Waste Bureau staff during initial response to the complaint. This shows the 10,000 gallon tank in the south end of the yard which stored the asphalt emulsion.		

