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**NEW MEXICO
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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

Certified Mail – Return Receipt Requested

May 29, 2015

Mr. Doug Powers, City Manager
City of Tucumcari
215 East Center Street
Tucumcari, New Mexico 88401

RE: City of Tucumcari Wastewater Treatment Plant (WWTP); Major; Industrial Permit; SIC 4952; NPDES Compliance Evaluation Inspection; NPDES Permit No. NMU001895; May 19, 2015

Dear Mr. Powers:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at this 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 the federal Clean Water Act.

Problems noted during this inspection are listed in the inspection report. You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see address above) in writing within 30 days from the date of this letter. Further, notify in writing both USEPA and NMED regarding modifications and compliance schedules at the address below:

Racquel Douglas
US Environmental Protection Agency, Region VI
Enforcement Branch (6EN-WM)
Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2733

Bruce Yurdin
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any further questions regarding this inspection report, please contact Sandra Gabaldón at (505) 827-1041 or at Sandra.gabaldon@state.nm.us

Sincerely,

/s/ Bruce J. Yurdin

Bruce J. Yurdin
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

Cc: Rashida Bowlin, USEPA (6EN-AS) by e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Racquel Douglas, USEPA (6EN-WM) by e-mail
Brent Larson, USEPA (6EN-PP) by e-mail
Gladys Gooden-Jackson, USEPA (6EN-WC) by e-mail
Bill Chavez, NMED District I Manager, by e-mail



NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 <input type="checkbox"/> N <input type="checkbox"/> 2 <input type="checkbox"/> 5 <input type="checkbox"/> 3 <input type="checkbox"/> N <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> 0 <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 5 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 1 <input type="checkbox"/> 5 <input type="checkbox"/> 0 <input type="checkbox"/> 5 <input type="checkbox"/> 1 <input type="checkbox"/> 9 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> ~ <input type="checkbox"/> 19 <input type="checkbox"/> S <input type="checkbox"/> 20 <input type="checkbox"/> 2 <input type="checkbox"/>					
<input type="checkbox"/> M <input type="checkbox"/> A <input type="checkbox"/> J <input type="checkbox"/> O <input type="checkbox"/> R <input type="checkbox"/> <input type="checkbox"/> W <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> P <input type="checkbox"/>					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 69	70 <input type="checkbox"/> 2 <input type="checkbox"/>	71 <input type="checkbox"/> N <input type="checkbox"/>	72 <input type="checkbox"/> N <input type="checkbox"/>	73 <input type="checkbox"/>	74 <input type="checkbox"/> 75 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 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) City of Tucumcari Wastewater Treatment Plant – North on 1 st Street over the railroad tracks, 0.4 miles to Maple St., turn right onto Maple, left onto Rock Island to WWTP QUAY COUNTY	Entry Time /Date 1030 hours / May 19, 2015	Permit Effective Date August 1, 2008
	Exit Time/Date 1345 hours / May 19, 2015	Permit Expiration Date September 29, 2013
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Calvin Henson, Superintendent / (575) 461-4542 Norma Billiot, Lab Tech / (575) 461-4372	Other Facility Data Outfall: Latitude: N 35°11'48.99" Longitude: W -103°43'04.94"	
Name, Address of Responsible Official/Title/Phone and Fax Number Doug Powers, City Manager / (575)461-3451 / (575) 461-2049 (fax) 215 East Center Street Tucumcari, New Mexico 88401	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> *	
SIC: 4952 – SECTOR T (TREATMENT WORKS)		

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

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

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

The City of Tucumcari WWTP did not obtain Mutli-Sector General Permit (MSGP) coverage . This facility did an upgrade to their WWTP in 2011 and increased their design capacity to 1.2 MGD.

The MSGP has since expired (September 29, 2013). However, this does not alleviate the facility from obtaining coverage when the new MSGP permit is issued. The new permit may be issued as soon as July 2015. The facility should acquaint themselves with the requirements of the MSGP. This includes the creation of a stormwater pollution prevention plan (SWPPP) with selected best management practices (BMPs) that they will implement prior to the issuance of the new MSGP.

Name(s) and Signature(s) of Inspector(s) Sandra Gabaldón /s/ Sandra Gabaldon	Agency/Office/Telephone/Fax NMED/SWQB/(505) 827-1041/(505) 827-0160	Date
Signature of Management QA Reviewer /s/ Michelle Lemon Michelle Lemon, Municipal Team Lead	Agency/Office/Phone and Fax Numbers NMED/SWQB/(505) 827-2819/(505) 827-0160	Date

City of Tucumcari Wastewater Treatment Plant (WWTP)
NPDES Permit No. NMU001895
Multi-Sector General Permit (Industrial Stormwater)
Inspection Date: May 19, 2015

Further Explanations

Introductions:

On May 19, 2015, a Compliance Evaluation Inspection (CEI) was conducted at the City of Tucumcari WWTP in Tucumcari, New Mexico in Quay County by Ms. Sandra Gabaldón and Mr. Daniel Valenta 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 National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 and the industrial stormwater Multi-Sector General Permit (MSGP).

City of Tucumcari WWTP is a wastewater treatment facility (see Standard Industrial Classification [SIC] code 4952) that meets the description in Category 40 CFR 122.26 (b)(14)(vi), and Sector T of the MSGP. This was explained to the wastewater supervisor, Mr. Calvin Henson.

According to Mr. Henson, he was unaware of the Multi-Sector General Permit and the requirements established in the permit to address stormwater discharges from their facility.

Stormwater discharges may discharge into the Parajito Creek, to the Canadian River, in Segment 20.6.4.303 of the *State of New Mexico Interstate and Intrastate Surface Waters, 20.6.4. New Mexico Administrative code (NMAC)*. Designated uses include: Irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

Upon arrival, the inspectors made introductions and stated the purpose of the inspections (two inspections were done this day: One was done regarding the NPDES individual permit NM0020711 as well as discussion about coverage under the MSGP). Ms. Gabaldón, lead inspector, showed Mr. Henson her federal credentials prior to touring the facility.

Following the tour, Mr. Henson was made aware of the requirements of the Multi-Sector General Permit, Sector T, Treatment Works. Mr. Henson stated that once the new permit is issued he will immediately seek coverage by completing their Stormwater Pollution Prevention Plan

(SWPPP) and filing an eNOI (electronic Notice of Intent) on the EPA website. <http://water.epa.gov/polwaste/npdes/stormwater/EPA-Multi-Sector-General-Permit-MSGP.cfm>

Clean Water Act (CWA) Industrial Stormwater Permit Requirements:

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

Federal regulations in 40 CFR 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.”*

Industrial stormwater has been regulated since the promulgation of EPA’s 1990 stormwater regulations, which established NPDES permit requirements for “stormwater discharges associated with industrial activity.” EPA’s first MSGP for stormwater discharges associated with industrial activity was issued on September 29, 1995, and has since been reissued in 2000 and 2008. The 2008 MSGP expired at midnight on September 29, 2013. The Federal Register notice announcing the proposed reissuance of the MSGP was published on September 27, 2013. Because of this timing, the new MSGP was not finalized prior to the expiration of the 2008 MSGP. Facilities that obtained coverage under the 2008 MSGP prior to its expiration were automatically granted an administrative continuance of permit coverage; the administrative continuance will remain in effect until a new permit is issued. Therefore, facilities already covered under the 2008 MSGP are not required to submit a new Notice of Intent (NOI) for permit coverage until the new MSGP is issued, and these facilities must continue to comply with all of the requirements in the 2008 permit, including requirements for monitoring and reporting. Until the new MSGP is issued, however, *“new”* facilities (*i.e.*, those facilities not covered under the 2008 MSGP) that *begin discharging industrial stormwater after September 29, 2013* are unable to file an NOI for general permit coverage. The No Action Assurance (NAAs) Memorandum dated March 27, 2014 covered these newly-discharging facilities, provided that these facilities: (1) meet the 2008 MSGP eligibility criteria; (2) notify the appropriate EPA permitting authority of their operator status and their intention to operate in accordance with the 2008 MSGP; and (3) comply with all requirements of the 2008 MSGP, including, but not limited to, stormwater pollution prevention plan (SWPPP) development and implementation and proper installation and maintenance of best management practices.

An industrial stormwater fact sheet for Sector T: Treatment Works, including a summary of typical pollutants associated with activities and types of stormwater control measures (BMPs) used to minimize the discharge of those pollutants is available at USEPA’s website: http://water.epa.gov/polwaste/npdes/stormwater/upload/sector_t_treatmentworks.pdf

The impact of industrial activities at treatment works (*i.e.*, City of Tucumcari WWTP), on stormwater discharges will vary. Factors at a site which influence the water quality include geographic location, hydrogeology, the industrial activities exposed to stormwater discharges, the facility’s size, the types of pollution prevention measures/best management practices in

place, and the type, duration and intensity of storm events. Taken together or separately, these factors determine how polluted the stormwater discharges will be at a given facility. Some pollutants that may be associated with treatment works include: BOD₅, COD, Nitrate+Nitrite Nitrogen, Total Kjeldahl Nitrogen, Oil and Grease, pH, Total Phosphorus, and Total Suspended Solids. If not properly managed on-site, these pollutants and possibly others, may come in contact with stormwater and be discharged to Waters of the United States.

Findings:

- The facility did not apply for permit coverage prior to the permit expiring in September 29, 2013. The facility was upgraded to a Medium Rate Activated Sludge (MRAS) in 2011. The MSGP permit, as stated above, has been issued since 1995.
- The operator stated permit coverage will be sought when an active permit is issued (which may be as soon as July 2015).