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NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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RON CURRY
Secretary
SARAH
COTTRELL
Deputy Secretary

November 23, 2010

Mr. George Zanter, VP/GM Operations
Herzog Environmental, Inc.
P.O. Box 1089
Saint Joseph, MO 64502

**Re: Storm Water Compliance Inspection; NPDES Multi-Sector General Permit; NMR05GB65;
November 4, 2010**

Dear Mr. Zanter,

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>.

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: Carol Peters-Wagnon, USEPA by email
Marcia Adams, USEPA by email
Diana McDonald, USEPA by email
Samuel Tates, USEPA by email
NMED, District II, Santa Fe by email



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	R	0	5	G	B	6	5	11	12	1	0	1	1	0	4	17	18	~	19	S	20	2	
Remarks																											
L A N D F I L L																											
Inspection Work Days						Facility Evaluation Rating						BI		QA		-----Reserved-----											
67						70						71		72		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) Northeastern New Mexico Regional Landfill – From I-25 exit State Hwy 120 to Wagon Mound, travel approximately 6 miles along the service road running east parallel to I-25. Turn right at landfill sign and gate.	Entry Time /Date 0920 hours / 11-4-2010	Permit Effective Date 9-29-2008
	Exit Time/Date 1105 hours / 11-4-2010	Permit Expiration Date 9-29-2013
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Inez May/Herzog Project Manager/ 575-643-5148 Arlene Daniels/ Northeastern New Mexico Regional Landfill Representative/ 575-668-2000 Joe May/Herzog Site Operator/575-447-6178	Other Facility Data GPS: N. 36 06'13.97" W. -104 40' 37.01"	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. George Zanter, P.O. Box 1089, Saint Joseph, MO 64502/VP-GM Operations Herzog Environmental, Inc./816-233-9001	Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
SIC: 4953 Activity code: LF		

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

U	Permit	N	Flow Measurement	S	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	U	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
S	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. 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 11/23/2010
Signature of Management QA Reviewer Richard Powell /s/Richard Powell	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2798	Date 11/23/2010

**Compliance Evaluation Inspection
Northeastern New Mexico Regional Landfill
November 4, 2010**

Further Explanations

Introductions

On November 4, 2010 a Compliance Evaluation Inspection was conducted at the Northeastern New Mexico Regional Landfill (Standard Industrial Classification 4953, Activity Code LF) located in Wagon Mound, New Mexico by Daniel Valenta and Sandra Gabaldón 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). This facility has industrial activities being conducted on-site that meet the description of industrial activities in Sector L and stormwater regulations at **40 Code of Federal Regulations (CFR) Part 122.26**.

The Northeastern New Mexico Regional Landfill (NENMRL) is a municipal solid waste landfill, and also accepts construction and demolition debris for final disposal. The facility began operations in early 1997. In 1999, the NENMRL applied for and received a Special Waste Permit from NMED that allowed it (until it was rescinded in 2003) to accept Special Wastes. During this time period, asbestos containing waste was received by the facility. The facilities Agent is Mr. Harold Daniels and is operated by Herzog Environmental, Inc..

The site is designed as a no discharge facility. Stormwater falling on exposed material during unloading and the material separation phase flows to a designed low point at the site. The contained water is pumped over the north berm to lined evaporation ponds, one was dry, and the other was almost dry. The site lies within the Canadian River Basin. An entrance interview was conducted with Arlene Daniels, Northeastern New Mexico Regional Landfill Representative, at approximately 0920 hours on November 4, 2010. 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 1105 hours on November 4, 2010 with Arlene Daniels, George Zanter, VP/GM of Operations for Herzog Environmental, Inc... Mr. Zanter was included in the exit interview via telephone. This report is based on a review of the files maintained by the permittee and NMED, on-site observation by NMED personnel and the EPA on-line NOI database.

Findings: The facility has an activate MSGP but has failed to prepare the required documents to file for and receive a permit. The facility has not conducted the required inspections to demonstrate stormwater discharges have not occurred.

**Compliance Evaluation Inspection
Northeastern New Mexico Regional Landfill
November 4, 2010**

1. Part 5 of the permit states: *Stormwater Pollution Prevention Plan (SWPPP). You must prepare a SWPPP for your facility before submitting your Notice of Intent (NOI) for permit coverage.*

No SWPPP was prepared at the time of the site inspection per Part 5. The NOI for permit coverage was submitted on 03-26-2009.

2. Part 5.1 of the permit states: *For coverage under this permit, your SWPPP must contain all of the following elements:*

- 1. Stormwater pollution prevention team (see Part 5.1.1);*
- 2. Site description (see Part 5.1.2);*
- 3. Summary of potential pollutant sources (see Part 5.1.3);*
- 4. Description of control measures (see Part 5.1.4);*
- 5. Schedules and procedures (see Part 5.1.5);*
- 6. Documentation to support eligibility considerations under other federal laws (see Part 5.1.6); and*
- 7. Signature requirements (see Part 5.1.7).*

No SWPPP was prepared therefore these required elements of the permit were missing.

3. Part 4.3.1, Annual Comprehensive Site Inspections: *“You must conduct annual comprehensive site inspections while you are covered under this permit. Annual, as defined in this Part, means once during each of the following inspection periods beginning with the period you are authorized to discharge under this permit.”*

- Year 1: September 29, 2008 – September 29, 2009*
- Year 2: September 29, 2009 – September 29, 2010*
- Year 3: September 29, 2010 – September 29, 2011*
- Year 4: September 29, 2011 – September 29, 2012*
- Year 5: September 29, 2012 – September 29, 2013*

No Annual Comprehensive site inspections have been performed. The NOI was submitted on 3-26-2009 thus year one and year two comprehensive site inspections are unaccounted for.

4. Part 4.1.1, Routine Facility Inspections: *“Conduct routine facility inspections of all areas of the facility where industrial materials or activities are exposed to stormwater, and of all stormwater control measures used to comply with the effluent limits contained in this permit. Routine facility inspections must be conducted at least quarterly (i.e., once each calendar quarter) although in many instances, more frequent inspection (e.g., monthly) may be appropriate for some types of equipment, processes, and control measures or areas of the facility with significant activities and materials exposed to stormwater.”*

No Routine Facility Inspections have been performed. The NOI was submitted on 3-26-2009 thus a total of six Routine Facility Inspections have not been completed.

- 2009 Year: Three Routine Quarterly Inspections unaccounted for.*
- 1010 Year: Three Routine Quarterly Inspections unaccounted for.*

**Compliance Evaluation Inspection
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5. Part 4.2.1, Quarterly Visual Assessments: *“Once each quarter for the entire permit term, you must collect a stormwater sample from each outfall (except as noted in Part 4.2.3) and conduct a visual assessment of each of these samples.”*

No Quarterly Visual Assessments have been performed. The NOI was submitted on 3-26-2009 thus a total of six Quarterly Visual Assessments have not been completed.

Year 2009: Three Quarterly Visual Assessments unaccounted for.

Year 2010: Three Quarterly Visual Assessments unaccounted for.

Sector Specific Requirements – Part 8, Subpart L:

Site-specific information required in 8.L is missing. The missing documentation is detailed as follows:

6. Part 8.L.5.1 requires that the site map include extra details. The details applicable to this site that were not documented on any site map included: active and closed landfill cells/trenches, and leachate collection and handling systems.

7. Part 8.L.5.2 details more potential pollutant sources that must be documented, including fertilizer, herbicide and pesticide application, waste hauling and loading/unloading, outdoor storage of significant materials including daily, interim and final cover material stockpiles, exposure of active and inactive landfill areas, and failure or leaks from leachate collection and treatment systems.