



NEW MEXICO  
ENVIRONMENT DEPARTMENT  
*Surface Water Quality Bureau*



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RON CURRY  
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Deputy Secretary

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**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

September 9, 2010

Mr. Don Eker, Owner  
Eker Brothers Santa Fe River Pit  
2865 Rufina Street  
Santa Fe, New Mexico 87507

Re: Industrial Stormwater, SIC 1442, NPDES Compliance Evaluation, Eker Brothers Santa Fe River Pit, NMR05GD91, August 24, 2010

Dear Mr. Eker,

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.

The NPDES Storm Water Multi-Sector General Permit for Industrial Activities (MSGP) was re-issued effective September 29, 2008 (see **Federal Register/Vol. 73, No. 189/Monday, September 29, 2008** pg. 56572). For questions regarding permitting please see: <http://cfpub.epa.gov/npdes/stormwater/msgp.cfm>

Problems noted during this inspection are discussed in the Further Explanations section of the 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. Further, you are encouraged to notify in writing, both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Diana McDonald  
U.S. Environmental Protection Agency  
Allied Bank Tower  
Region VI Enforcement Branch (6EN-WT)  
1445 Ross Avenue  
Dallas, Texas 75202-2733

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

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 Gail Bohling, EPA, Enforcement Section (6EN-AS) by e-mail  
Samuel Tate, EPA (6SF) by e-mail  
Carol Peters-Wagnon, EPA (6EN-WM) by e-mail  
Diana McDonald, EPA (6EN-WM) by e-mail  
Robert Italiano, NMED District II (Santa Fe) by e-mail



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   D   9   1	11   12   1   0   0   8   2   4   17	18   ~	19   S	20   2
Remarks					
S   A   N   D   &   G   R   A   V   E   L   F   A   C   I   L   I   T   Y					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67       69	70   3	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>Eker Brothers Santa Fe River Pit</b>	Entry Time /Date <b>1310/August 24, 2010</b>	Permit Effective Date <b>September 29, 2008</b>
	Exit Time/Date <b>1615/August 24, 2010</b>	Permit Expiration Date <b>September 29, 2013</b>
From I25 south of Santa Fe, exit 599 north, approximately 2.5 miles. Exit left County Road 56/284 to Colony Drive. End of road to Santa Fe Classic Rock/Eker Brothers Santa Fe River Pit. Santa Fe County		
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Nancy Chavez/ Sales Representative/505-471-3553 Robert Leo/Site Mechanic/ 505-699-2631 Tim Slatunas/ SWPPP Consultant/ 505-565-8260	Other Facility Data Latitude N 35°38' 31.73" N Longitude W 106° 04' 41.02" W	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Don Eker, President, 2865 Rufina Street, Santa Fe, New Mexico 87507/ 505-473-9815, fax505-473-9728, DONEKER@AOL.COM	SIC 1442	
Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

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

S	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prévention
M	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	S	Storm Water	N	Other:

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

- Inspector arrived on site at 1310 on 8/24/10, conducted entrance interview with Nancy Chavez, During which the Inspector made introductions, showed credentials and explained the purpose of the inspection.
- See attached checklist.
- This report is based on a review of the files maintained by the permittee and NMED, on-site observations by NMED personnel, and verbal information provide by the facility's representative.
- An exit interview to discuss the preliminary finding of the inspection was conducted at approximately 1615 on 8/24/10 with Tim Slatunas, SWPPP contact at the site.

Name(s) and Signature(s) of Inspector(s) <b>Daniel Valenta /s/Daniel Valenta</b>	Agency/Office/Telephone/Fax <b>NMED/SWQB/505-827-2575/505-827-0160</b>	Date <b>9/9/10</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 and 827-0160</b>	Date <b>9/9/10</b>

## NPDES Industrial Storm Water Checklist (MSGP)

<u>National Database Information</u>		<u>General</u>	
Inspection Type	Compliance Evaluation	Inspector Name	Daniel Valenta
NPDES ID Number	NMR05GD91	Telephone	505-827-2575
Inspection Date	8/24/2010	Entry Time	1310
Inspector Type <i>(circle one)</i>	EPA <input type="checkbox"/> State    EPA Oversight	Exit Time	1615
Facility Sector/ SIC/Activity Code	Sector J/Non-Metallic Mineral Mining/1442	Signature	

<u>Facility Location Information</u>			
Name/Location/ Mailing Address	Eker Brothers Inc. Eker Brothers Santa Fe River Pit 2865 Rufina St., New Mexico 87507		
GPS Coordinates	Latitude	35° 38' 31.73" N	Longitude      106° 04' 41.02" W
Receiving Water(s)	Santa Fe River 20.6.4.98 upstream of segment 20.6.4.113 thus to the Rio Grande		

<u>Contact Information</u>		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Eker Brothers Santa Fe River Pit	505-471-3553
Facility Contact	Nancy Chavez Robert Leo Tim Slatunas	505-471-3553 505-699-2631 505-565-8260
Authorized Official(s)	Don Eker - President	505-425-8818

<u>Basic Permit Information</u>			<u>Basic SWPPP Information</u>		
Permit Coverage	<input checked="" type="checkbox"/> Y      N		SWPPP Prepared & Available	<input checked="" type="checkbox"/> Y      N	
Permit Type	<input type="checkbox"/> General    Individual		SWPPP Contents Satisfactory	Y <input type="checkbox"/> N	
Operational Date	unknown		SWPPP Implementation Satisfactory	Y <input type="checkbox"/> N	
NOI/Application Date	3/25/2009		SWPPP Date	10/2006	
If applicable, is no exposure certification on file?	Y      N		<i>Intentionally left blank</i>		

## NPDES Industrial Storm Water Checklist (MSGP)

<b>SWPPP Review</b>			
<u>General</u>	Notes:		
Was the SWPPP completed prior to NOI submission?	<input checked="" type="checkbox"/>	N	
Copy of the NOI and acknowledgment letter from EPA?	<input checked="" type="checkbox"/>	N	
Copy of the permit language?	<input checked="" type="checkbox"/>	N	
Have copies of inspection reports/all other documentation been retained as part of the SWPPP for 3 years from date permit coverage expires?	<input checked="" type="checkbox"/>	N	
Does the SWPPP contain a signed/certified statement indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii)? Applicable to: <ul style="list-style-type: none"> <li>• Routine facility inspection (4.1.3)</li> <li>• Quarterly visual assessment (4.2.3)</li> <li>• Benchmark monitoring (6.2.1.3).</li> </ul>	Y	N	N/A, site active.
Does the SWPPP include copies of relevant parts of other documents (e.g., SPCC) referenced in the SWPPP?	Y	<input checked="" type="checkbox"/>	No documents for constructing crossing of Santa Fe River, 404, no SPCC documents included.
Does the SWPPP include documentation to support eligibility under the Endangered Species Act?	<input checked="" type="checkbox"/>	N	
Does the SWPPP include documentation to support eligibility under the Historic Preservation Act?	<input checked="" type="checkbox"/>	N	
Does the SWPPP include documentation to support eligibility under NEPA (New Source)?	Y	N	N/A
Did all "operators" sign/certify the SWPPP?	<input checked="" type="checkbox"/>	N	
Is the storm water pollution prevention team identified (name or title)?	<input checked="" type="checkbox"/>	N	
Are the storm water pollution prevention team's responsibilities identified?	<input checked="" type="checkbox"/>	N	

## NPDES Industrial Storm Water Checklist (MSGP)

<u>Site Description</u>			<b>Notes:</b>
SWPPP provides a description of the facility's industrial activities?	<input checked="" type="checkbox"/>	N	
Is there a general location map (e.g., USGS quadrangle map) with enough detail to identify the location of the facility and all receiving waters for storm water discharges?	<input checked="" type="checkbox"/>	N	
Is there a site specific site map?	<input checked="" type="checkbox"/>	N	
Does the site map contain the size of the property in acres?	Y	<input checked="" type="checkbox"/>	
Does the site map contain the location and extent of significant structures and impervious surfaces?	<input checked="" type="checkbox"/>	N	
Does the site map contain directions of storm water flow (indicated by arrows)?	<input checked="" type="checkbox"/>	N	
Does the site map contain locations of all existing structural control measures?	Y	<input checked="" type="checkbox"/>	Location of berms not shown.
Does the site map contain locations of all receiving waters in the immediate vicinity of the facility, indicating if any of the waters are impaired, and if so, whether the waters have TMDLs established for them?	<input checked="" type="checkbox"/>	N	Santa Fe River to the Rio Grande, no TMDL established.
Does the site map contain locations of all storm water conveyances including ditches, pipes and swales?	Y	<input checked="" type="checkbox"/>	
Does the site map contain locations of all potential pollutants and significant materials identified under Part 5.1.3.2?	Y	<input checked="" type="checkbox"/>	Open containers of waste oil not shown on map, (see photo 1).
Does the site map contain locations where significant spills or leaks identified under Part 5.1.3.3 have occurred?	<input checked="" type="checkbox"/>	N	No spills or leaks are included in the SWPPP.
Does the site map contain locations of all storm water monitoring points?	<input checked="" type="checkbox"/>	N	
Does the site map contain locations of storm water inlets and outfalls, with a unique identification (e.g., 001, 002) for each outfall and if substantially identical?	<input checked="" type="checkbox"/>	N	
Does the site map contain municipal separate storm sewers and where the facility discharges to them?	Y	<input checked="" type="checkbox"/>	Site discharges to Santa Fe river.
Does the site map contain locations and descriptions of all non-storm water discharges?	Y	<input checked="" type="checkbox"/>	No discharges described.

## NPDES Industrial Storm Water Checklist (MSGP)

Site Description			Notes:
<p>Does the site map contain locations of the following activities where these activities are exposed to precipitation?</p> <ul style="list-style-type: none"> <li>• Fueling stations</li> <li>• Vehicle and equipment maintenance and/or cleaning areas</li> <li>• Loading/unloading areas</li> <li>• Locations used for the treatment, storage or disposal of wastes</li> <li>• Liquid storage tanks</li> <li>• Processing and storage areas</li> <li>• Immediate access roads and rail lines used or travelled by carriers of raw materials, manufactured products, waste materials, or by-products used or created by the facility</li> <li>• Transfer areas for substances in bulk</li> <li>• Machinery</li> </ul>	<input checked="" type="checkbox"/>	N	
Does the site map contain locations and sources of run-on to the site from adjacent property that contains significant quantities of pollutants?	Y	N	N/A, no significant pollutants off site, rural area.
Does the SWPPP document areas at the facility where industrial materials or activities are exposed to storm water and from which allowable non-storm water discharges are released?	<input checked="" type="checkbox"/>	N	Entire site exposed to stormwater.
Does the SWPPP include a list of the industrial activities exposed to storm water (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams)?	<input checked="" type="checkbox"/>	N	
Does the SWPPP include a list of pollutants and/or pollutant constituents associated with each identified activity?	<input checked="" type="checkbox"/>	N	
Does the SWPPP include documentation of where spills and leaks occurred for three years prior to the preparation of the SWPPP?	Y	<input checked="" type="checkbox"/>	No spills or leaks reported in SWPPP.

## NPDES Industrial Storm Water Checklist (MSGP)

<u>Site Description</u>		Notes:	
Does the SWPPP include a non-storm water discharge evaluation in the SWPPP? Does it include: <ul style="list-style-type: none"> <li>• Date</li> <li>• Description of evaluation criteria</li> <li>• List of the outfalls or onsite drainage points directly observed</li> <li>• Different types of non-storm water discharges and source locations</li> <li>• Actions taken such as a list of control measures for elimination.</li> </ul>	<input checked="" type="checkbox"/>	N	Describes air conditioning condensate and dust suppression.
Does salt storage occur at this facility?	Y	<input type="checkbox"/>	
Does the SWPPP include a summary of storm water sampling data for the previous permit term?	Y	<input type="checkbox"/>	No discharge occurring.
<u>Controls to Reduce Pollutants</u>		Notes:	
Does the SWPPP include documentation of the location and type of control measures at the facility to comply with the requirements in Part 2?	<input checked="" type="checkbox"/>	N	Site uses retention ponds and berms to contain stormwater.
Does the SWPPP include documentation that selection and design of control measures were based on a consideration of the practices and procedures in Part 2.1.1?	<input checked="" type="checkbox"/>	N	
Does the SWPPP include measures to minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings?	Y	<input type="checkbox"/>	Sand and Gravel operation, site is exposed to stormwater.
Does the SWPPP include good housekeeping measures (e.g., keeping all exposed areas that are potential sources of pollutants clean, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers)?	<input checked="" type="checkbox"/>	N	

## NPDES Industrial Storm Water Checklist (MSGP)

<u>Controls to Reduce Pollutants</u>			<b>Notes:</b>
Does the SWPPP include a schedule for pickup and disposal of wastes and routine inspections of tanks and drums?	<input checked="" type="checkbox"/> Y	N	Pickup scheduled when needed.
Does the SWPPP include preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, and back-up practices should a runoff event occur while a control measure is off-line?	<input checked="" type="checkbox"/> Y	N	
Does the SWPPP include a schedule for preventative maintenance procedures?	Y	<input checked="" type="checkbox"/> N	No schedule, maintenance performed when needed.
Does the SWPPP include procedures for minimizing the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur?	<input checked="" type="checkbox"/> Y	N	
Does the facility implement procedures for plainly labeling containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur?	Y	<input checked="" type="checkbox"/> N	Unlabeled storage tanks on site.
Does the facility implement preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling?	Y	<input checked="" type="checkbox"/> N	Open used oil barrel close to road.
Does the facility implement procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases?	<input checked="" type="checkbox"/> Y	N	
Does the facility train employees who may cause, detect, or respond to a spill or leak in these procedures and have necessary spill response equipment available?	<input checked="" type="checkbox"/> Y	N	
Does the facility document and follow procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies?	<input checked="" type="checkbox"/> Y	N	

## NPDES Industrial Storm Water Checklist (MSGP)

<u>Controls to Reduce Pollutants</u>			<b>Notes:</b>
Does the SWPPP document erosion and sediment controls?	<input checked="" type="checkbox"/> Y	N	SWPPP discusses the use of berms and sediment ponds.
Does the facility stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants?	<input checked="" type="checkbox"/> Y	N	
Does the facility place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants?	<input checked="" type="checkbox"/> Y	N	
If the facility stores salt at this facility, are the piles enclosed or covered? Does the facility implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile?	Y	N	N/A
Employee Training – is there a schedule for regular (at least annually) employee training?	<input checked="" type="checkbox"/> Y	N	
Does training cover both the specific control measures used to achieve the effluent limits in Part 2 and monitoring, inspection, planning, reporting, and documentation requirements in other parts of the permit?	<input checked="" type="checkbox"/> Y	N	
Does the facility ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged?	Y	<input checked="" type="checkbox"/> N	Waste material present in open container. Site orderly with no garbage, or floatable debris noted.
Does the facility minimize generation of dust and off-site tracking of raw, final, or waste materials?	<input checked="" type="checkbox"/> Y	N	
Has the facility eliminated non-storm water discharges not authorized by an NPDES permit?	<input checked="" type="checkbox"/> Y	N	

## NPDES Industrial Storm Water Checklist (MSGP)

### Notes on SWPPP Review

#### Site Description:

Eker Brothers Santa Fe River Pit is a stone (gravel) quarry operation. The site consists of a 131-acre tract and a 120-acre tract, which are contiguous. The 131-acre tract, the McIntosh Track, is owned by the Eker Brothers and occupies the southwestern portion of the site. The 120-acre track situated north of the McIntosh Track is leased from the state. The operational area including the excavation, processing, and storage area is situated at the northeastern portion of the site.

The Santa Fe River flows between these two tracks. The entrance and exit to the active north site is along an unpaved road beside the river and across the river over a cement block crossing. The crossing through the intermittent stream was built with concrete blocks placed in the watercourse to provide a solid base to drive over. During periods of rain, water flows over the blocks. This crossing has impeded the downstream migration of silt/sand from occurring. It is unknown if the site has a 404 permit to construct the crossing, no documents have been submitted for review.

The operational area is an active surface quarry. Extracted materials from the quarry area are loaded into a rock sifter where the rock is distributed into piles based on the rock size. The machinery and storage piles comprise the operational area. The material is dry shifted thus no water is used in the sorting process. Trucks collect rock from storage piles and transport to off-site construction sites via the unpaved road.

Soils fines, asphalt, concrete, and spoils are stored in piles east of the operational area. These materials will be crushed at the storage locations in the future. An 8,000-gallon diesel tank is stored within an earthen berm and supplies fuel to the equipment and machinery. Motor oil and hydraulic oil are stored within a trailer at the site. Used oil is stored in 55-gallon drums on site in the scrap area, see (photo 1).

Stormwater that falls in the operational area when materials are being processed flows into a retention pond close to the area. Stormwater that falls immediately south of the operational area flows to an open grassed area where outfall 001 and 002 are located. Stormwater falling on the unpaved road is intercepted by cattle guards placed across the road normally preventing water from flowing to the river. Along the north side of the Santa Fe River is a vegetated buffer zone between the mining operation and river. There are large open areas north and west of the active operation that are covered with grass/shrub thus reducing or delaying stormwater from flowing onto or leaving the site. The east side of the property is bermed.

## NPDES Industrial Storm Water Checklist (MSGP)

Inspections (Part 4)			
<u>General</u>	Notes:		
<b>Routine Facility Inspections</b>			
Are routine facility inspections conducted at least quarterly while facility operating?	<input checked="" type="checkbox"/>	N	All quarterly inspections performed.
Are inspections documented, including: <ul style="list-style-type: none"> <li>• Date and time</li> <li>• Name and signature of inspector</li> <li>• Weather information and a description of discharge occurring at the time of the inspection</li> <li>• Previously unidentified discharges from site</li> <li>• Control measures needing maintenance or repairs</li> <li>• Failed control measures that need replacement</li> <li>• Incidents of noncompliance observed</li> <li>• Additional control measures needed.</li> </ul>	<input checked="" type="checkbox"/>	N	
Exceptions, including (see 4.1.3): <ul style="list-style-type: none"> <li>• Inactive and unstaffed sites</li> </ul>	Y	N	N/A, active site.
<b>Quarterly Visual Assessment</b>			
Are quarterly visual assessments conducted?	<input checked="" type="checkbox"/>	N	Visual Inspection report, no discharges occurred to collect.
Does the assessment consist of a sample collected: <ul style="list-style-type: none"> <li>• Within the first 30 minutes of discharge</li> <li>• On discharges that occur at least 72 hours (3 days) from the previous discharge</li> <li>• Collected in a clean, clear glass or plastic container.</li> </ul>	Y	N	N/A, according to the facilities representatives no discharges have occurred.

## NPDES Industrial Storm Water Checklist (MSGP)

<b>Inspections</b>			
Are assessments documented, including: <ul style="list-style-type: none"> <li>• Sample location</li> <li>• Sample collection date/time &amp; visual assessment date/time</li> <li>• Personnel collecting sample &amp; performing assessment and their signature</li> <li>• Nature of the discharge (runoff or snowmelt)</li> <li>• Results of observations (including color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen and other obvious indicators)</li> <li>• Probable sources of contamination</li> <li>• If applicable, reason for not taking samples within 1<sup>st</sup> 30 minutes.</li> </ul>	Y	N	According to the facilities representatives, no discharges have occurred to assess.
Exceptions, including (see 4.2.3): <ul style="list-style-type: none"> <li>• Adverse weather conditions</li> <li>• Climates with irregular storm water runoff</li> <li>• Areas subject to snow</li> <li>• Substantially identical outfalls (per 5.1.5.2)</li> <li>• Inactive and unstaffed sites.</li> </ul>	Y	N	N/A
<b>Comprehensive Site Inspections</b>			
Are comprehensive site inspections conducted annually (start 9/29/08)?	Y	<input checked="" type="checkbox"/> N	No comprehensive inspections documentation found. Missing year 1, Sept 29, 2008 – Sept 29, 2009
Conducted by qualified personnel including at least one member of the storm water pollution prevention team?	Y	<input checked="" type="checkbox"/> N	No documentation to review.
Cover all areas of the facility?	Y	<input checked="" type="checkbox"/> N	No documentation to review.
Include a review of monitoring data? Do inspectors consider the results of the past year's visual and analytical monitoring when planning and conducting inspections?	Y	<input checked="" type="checkbox"/> N	No documentation to review.

## NPDES Industrial Storm Water Checklist (MSGP)

<b>Inspections</b>		
<p>Include observations of the following:</p> <ul style="list-style-type: none"> <li>• Industrial materials, residue, or trash that may have or could come into contact with storm water</li> <li>• Leaks or spills from industrial equipment, drums, tanks, and other containers</li> <li>• Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site</li> <li>• Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas</li> <li>• Control measures needing replacement, maintenance, or repair</li> <li>• All storm water control measures observed.</li> </ul>	Y	<input type="checkbox"/> N
<p>Are inspections documented, including:</p> <ul style="list-style-type: none"> <li>• Date of inspection</li> <li>• Names and titles of personnel making the inspection</li> <li>• Findings from examination of areas of facility from Part 4.3.1</li> <li>• All observations relating to implementation of control measures</li> <li>• Any required revisions to the SWPPP resulting from inspection</li> <li>• Any incidents of noncompliance identified OR certification that facility is in compliance with the permit</li> <li>• A statement signed in accordance with Appendix B, Subsection 11</li> </ul>	Y	<input type="checkbox"/> N

## NPDES Industrial Storm Water Checklist (MSGP)

<b>Monitoring (Part 6)</b>			
<u>General</u>	<b>Notes:</b>		
Does the SWPPP contain a procedure for conducting sector (and co-located) specific benchmark monitoring?	Y	<input type="checkbox"/> N	SWPPP silent on sampling procedures.
Does the SWPPP contain procedures for conducting effluent limitations guidelines monitoring?	Y	<input type="checkbox"/> N	
Does the SWPPP contain a procedure for other monitoring (state or tribal specific; impaired waters; other as required)	Y	<input type="checkbox"/> N	None required
Are samples analyzed in accordance with 40 CFR Part 136 methods?	Y	N	Unknown, no samples taken.
<b>Benchmark Monitoring</b>			
Does the monitoring consist of a sample collected: <ul style="list-style-type: none"> <li>• Within the first 30 minutes of discharge</li> <li>• On discharges that occur at least 72 hours (3 days) from the previous discharge</li> <li>• Document the date and duration (in hours) of the rainfall event, rainfall total (snow - date only) for that rainfall</li> <li>• Prior to commingling.</li> </ul>	Y	<input type="checkbox"/> N	No sample was ever collect.
Is monitoring conducted during each of the first four full quarterly (calendar) monitoring periods following permit coverage?	Y	<input type="checkbox"/> N	No samples collected.
Is the average of the first four quarterly samples < the parameter benchmark?	Y	<input type="checkbox"/> N	No samples collected,

## NPDES Industrial Storm Water Checklist (MSGP)

<b>Monitoring</b>			
Is the average of the first four quarterly samples > the parameter benchmark? <ul style="list-style-type: none"> <li>Make the necessary modifications</li> <li>Continue quarterly monitoring</li> <li>Determine and document that no further pollutant reductions are technologically available and economically practicable and achievable, continue monitoring once per year, notify EPA</li> <li>Natural background pollutant level documentation</li> </ul>	Y	<input checked="" type="checkbox"/>	No samples collected.
Exceptions, including (see 6.1 & 6.2): <ul style="list-style-type: none"> <li>Adverse weather conditions</li> <li>Climates with irregular storm water runoff</li> <li>Snowmelt</li> <li>Substantially identical outfalls (per 5.1.5.2)</li> <li>Inactive and unstaffed sites.</li> </ul>	Y	N	Unknown, no discharges reported.
<b>Effluent Limitations Monitoring</b>			
Sampled once per year?	Y	<input checked="" type="checkbox"/>	No samples collected.
Follow-up requirements if discharge exceeds effluent limit (see 6.3)?	Y	N	Unknown, no discharges reported.
<b>Other Required Monitoring</b>			
<ul style="list-style-type: none"> <li>State or Tribal provisions</li> <li>Discharges to impaired waters</li> <li>Additional monitoring required by EPA.</li> </ul>	Y	N	N/A
<b>Reporting (Part 7)</b>			
<u>General</u>		Notes:	
Is monitoring data reported to EPA within 30 days of receiving analytical results for the monitoring period?	Y	<input checked="" type="checkbox"/>	No monitoring data collected.
Is the annual report submitted by 45 days after conducting the comprehensive site inspection?	Y	<input checked="" type="checkbox"/>	No documented annual report in SWPPP or submitted for review.
If follow-up effluent limitations monitoring results exceed numeric limits, was a report submitted to EPA no later than 30 days after results were received?	Y	<input checked="" type="checkbox"/>	No monitoring data acquired.

## NPDES Industrial Storm Water Checklist (MSGP)

<b>SWPPP Implementation</b>	
<p><b>Measures to minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff</b></p>	<p><i>(e.g., use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away; locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems; clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants; use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible; use spill/overflow protection equipment; drain fluids from equipment and vehicles prior to on-site storage or disposal; perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and ensure that all washwater drains to a proper collection system)</i></p> <p>All processing of raw materials, loading and unloading, and equipment fueling are done outdoors.</p>
<p><b>Good Housekeeping</b></p>	<p><i>(e.g., keeping all exposed areas that are potential sources of pollutants clean, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers)</i></p> <p>Open used oil barrel need to be covered or removed. Oil stained sand under pallet needs to be removed and contained, (see photo 1). Site was organized, no loose debris on site.</p>
<p><b>Preventative maintenance</b></p>	<p><i>(e.g., regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, and back-up practices should a runoff event occur while a control measure is off-line)</i></p> <p>Equipment no longer in service needs to be drained of liquids. Spills and leaks must be contained.</p>

## NPDES Industrial Storm Water Checklist (MSGP)

<b>SWPPP Implementation</b>	
<b>Spill Prevention and Response</b>	<p><i>(e.g., minimizing the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur)</i></p> <p>Open used oil container, (see photo 1). Secondary fuel containment needs to be cleaned out, (see photo 2).</p> <p>These same problems were found during site inspections on: 10/2008 7/2009 11/2009 2/2010</p>
<b>Erosion and Sediment Controls</b>	<p><i>(e.g., stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, flow velocity dissipation devices at discharge locations and within outfall channels)</i></p> <p>Site contains stormwater with berms, sediment ponds, and vegetated surfaces where land slopes away from the site.</p>
<b>Management of Runoff</b>	<p><i>(e.g., divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in discharges)</i></p> <p>See above.</p>
<b>Salt Storage Piles</b>	<p><i>(e.g., enclose or cover piles appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile)</i></p> <p>N/A</p>

## NPDES Industrial Storm Water Checklist (MSGP)

<b>SWPPP Implementation</b>	
<b>Waste, Garbage and Floatable Debris</b>	<p><i>(e.g., keep exposed areas free of such materials or by intercepting them before they are discharged)</i></p> <p>See good housekeeping above.</p>
<b>Evidence of non-storm water discharges</b>	<p>No evidence of non-storm water discharges occurring.</p>
<b>Dust Generation and Vehicle Tracking of Industrial Materials</b>	<p><i>(minimize generation of dust and off-site tracking of raw, final, or waste materials)</i></p> <p>Water truck on site to suppress dust and cattle guards in place on road to prevent offsite tracking of material.</p>

# NPDES Industrial Storm Water Checklist (MSGP)

## NMED/SWQB Official Photograph Log

Photo # 1

Photographer: Daniel Valenta	Date: 8/24/2010	Time: 1502
City/County: Santa Fe/Santa Fe		
Location: Eker Brothers Santa Fe River Pit, 16 Colony Dr. facing east.		
Subject: Open drum of used oil mixed with empty oil containers and rainwater. Drum has overflowed onto the ground.		



# NPDES Industrial Storm Water Checklist (MSGP)

## NMED/SWQB Official Photograph Log

Photo # 2

Photographer: Daniel Valenta	Date: 8/24/2010	Time: 1452
City/County: Santa Fe/Santa Fe		
Location: Eker Brothers Santa Fe River Pit, 16 Colony Dr. facing west.		
Subject: The secondary containment area around the fuel tank needs to be cleaned.		



## NPDES Industrial Storm Water Checklist (MSGP)

### Finding

1. The 2008 MSGP requires per 9.2.1, “Reissuance or replacement of this permit, at which time you must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge”

<b>Category</b>	<b>NOI Submission Deadline</b>
<i>Existing Dischargers – in operation as of October 30, 2005 and authorized for coverage under MSGP 2000.</i>	<i>No later than January 5, 2009.</i>
<i>New Dischargers or New Sources - have commenced discharging between October 30, 2005 and January 5, 2009.</i>	<i>As soon as possible but no later than January 5, 2009.</i>

**The NOI for the 2008 MSGP was submitted on 3/25/2009. The submission deadline for the 2008 MSGP was no later than 1/5/2009.**

2. The 2008 MSGP requires per 7.2 Annual Report “You must submit an annual report to EPA that includes the findings from your Part 4.3 comprehensive site inspection and any corrective action documentation as required in Part 3.4. If corrective action is not yet completed at the time of submission of this annual report, you must describe the status of any outstanding corrective action(s). In addition to the information required in Parts 3.4 (Corrective Action Report) and 4.3.2 (Comprehensive Site Inspection Documentation)”

**The NOI was submitted on 3/25/2009. No Comprehensive Site Inspection was performed for the required Year 1: September 29, 2008 - September 29, 2009.**

3. The 2008 MSGP requires 2.1.2.4 Spill Prevention and Response Procedures.

*“You must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. At a minimum, you must implement:*

*1. Procedures for plainly labeling containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides,” etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;*

*2. Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;*

*3. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your stormwater pollution prevention team (see Part 5.1.1)”*

**Inspection reports document the need for the removal of sand/silt from the fuel containment area. Inspection reports document the need for cleaning and upkeep of the used oil area. This maintenance was not occurring or these issues were a reoccurring problem. These issues were reported on inspection reports, 10/2008, 7/2009, 11/2009, and 2/2010.**

## NPDES Industrial Storm Water Checklist (MSGP)

4. Per Appendix B. 11.E, *Any person signing documents in accordance with Appendix B, Subsections 11.A or 11.B above must include the following certification:*

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

**The required certification language has changed from the 2000 MSGP to the 2008 MSGP. The SWPPP has not been updated to incorporate the new certification language. The change is very minor but all certification documents need to have the correct language as written in the permit.**