



NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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RON CURRY
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COTTRELL
Deputy Secretary

December 20, 2010

Eddy County Sandpoint Landfill
Mr. Allen R. Sartin, Eddy County Manager
101 W. Green St.
Carlsbad, NM 88220

**Re: Storm Water Compliance Inspection, SIC 4953, NPDES Multi-Sector General Permit
#NMU001700, December 9, 2010**

Dear Mr. Sartin,

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>.

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 Tates, USEPA (6SF) via e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) via e-mail
Diana McDonald, USEPA (6EN-WM) via e-mail
Gary Beatty, NMED District 4 Manager (via 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	U	0	0	1	7	0	0	11	12	1	0	1	2	0	9	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 2						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) The Eddy County Sandpoint Landfill, 164 Landfill Road, Carlsbad, NM 88220 Approximately 12 miles East of Carlsbad on Hwy 62/180 (Hobbs Hwy.). Look for "Sandpoint Landfill" sign, which will direct you South on Landfill Road.	Entry Time /Date 0850 hours/12-9-2010	Permit Effective Date 9-29-2008
	Exit Time/Date 1015 hours/12-9-2010	Permit Expiration Date 9-29-2013
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Fabian Gomez/Facility Manager/575-200-5641/ 505-200-5642 Auturo Munoz/Assistant Manager/575-200-5643/575-885-4835	Other Facility Data GPS: N. 32° 29' 55.61" W. -104° 03' 55.19"	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Allen R. Sartin, 101 W. Green St., Carlsbad, NM 88220/Eddy County Manager/575-887-9511/fax 575-234-1835	Contacted Yes <input type="checkbox"/> No <input checked="" 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	M	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	U	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
M	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. FACILITY HAS NOT APPLIED FOR AND RECEIVED REQUIRED NPDES PERMIT COVERAGE.
2. 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 12/16/2010
Signature of Management QA Reviewer Richard Powell /s/Richard Powell	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2798	Date 12/16/2010

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Further Explanations

Introduction

On December 9, 2010, a Compliance Evaluation Inspection was conducted at the Eddy County Sandpoint Landfill (Standard Industrial Classification 4953, Activity Code LF) located 12 miles East of Carlsbad, 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 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 L) and stormwater regulations at **40 Code of Federal Regulations (CFR) Part 122.26**.

This facility is a municipal solid waste landfill, and also accepts industrial, and construction debris for final disposal, the facility began operations in July 2007. Stormwater runoff from this facility may discharge into the Lone Tree Draw on the North West side of the facility and thus Fenton Draw in the Pecos River Basin in Segment 20.6.4.203 NMAC.

Due to high winds the landfill was closed on the 7th, a return visit was made on the 9th. An entrance interview was conducted with Arturo Munoz, Assistant Manager at approximately 0850 hours on December 9, 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 1015 hours on December 9, 2010 with Arturo Munoz, (in person). Mr. Fabian Gomez, Facility Manager was included in the exit interview via telephone. Mr. Frank Welding, Road and Landfill Dept. Manager and Eddy County Manager Allen Sartin were not available at this time. 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 Fabian Gomez and Arturo Munoz.

Findings:

The facility does not have permit coverage. The facility has not prepared the required documents to file for and receive a permit or conducted the required inspections.

The wastes which are disposed of in Municipal Solid Waste Landfills (MSWLF) are highly variable. Examples include household waste (including household hazardous waste which is excluded from RCRA hazardous waste regulation), nonhazardous incinerator ashes, commercial wastes, yard wastes, tires, white goods, construction wastes, municipal and industrial sludges, asbestos, and other industrial wastes. Only a small percentage of all wastes disposed of in MSWLFs are industrial wastes.

In 1988, EPA's Report to Congress on solid waste generation indicated that nearly 90 percent of wastes disposed of in all MSWLFs were household or commercial (office) wastes. Industrial process wastes represented only 2.73 percent of the total waste stream (although most MSWLFs currently or have previously accepted industrial wastes and are therefore subject to storm water permitting requirements). At present the Eddy County Landfill does accept commercial waste and has a special tipping fee of \$24/ton, industrial waste was found at the landfill, see photo 1.

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Therefore, once a Municipal Landfill accepts industrial waste it is subject to storm water permitting requirements. For active landfill areas, these plans should be tailored toward minimizing contact of storm water with waste materials. The plans should also include design and implementation of best management practices and/or treatment methods to control the pollutants likely to be found in runoff at the site. For the active portion of the landfill, this section also requires quarterly monitoring for Total Suspended Solids (TSS) and total recoverable iron to quantify the performance of BMPs/treatment measures should a discharge occur. If discharges occur there is a reasonable potential for runoff to contact waste materials. In these areas, runoff may also become commingled with leachate. In addition, TSS levels are also likely to be elevated where contact occurs with wastes, disturbed areas, and daily/ intermediate cover materials.

This landfill is a non-hazardous waste landfill as defined in 40 CFR Part 445, Subpart B and is therefore subject to the numeric effluent limitations discussed in Table 8.L-1-2 of the permit. Effluent limitations sampling had not been conducted at the time of the inspection, however, the facility staff should be aware that this sampling must be conducted if there is runoff of contaminated storm water. The operator is required to prepare a SWPPP and implement best management practices (BMPs) in order to reduce pollutants in stormwater discharges from the facility. The facility representative did not appear to have knowledge of the NPDES permit program or the required SWPPP.

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.*

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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
<u>Existing Dischargers</u> – in operation as of October 30, 2005 and authorized for coverage under MSGP 2000.	No later than January 5, 2009.	30 days after EPA posts your NOI. Your authorization under the MSGP 2000 is automatically continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.
<u>New Dischargers or New Sources</u> - have commenced discharging between October 30, 2005 and January 5, 2009.	As soon as possible but no later than January 5, 2009.	30 days after EPA posts your NOI.
<u>New Dischargers or New Sources</u> - commence discharging after January 5, 2009.	A minimum of 60 days prior to commencing discharge, or a minimum of 30 days if your SWPPP is posted on the Internet during this period and the Internet address (i.e., URL) to your SWPPP is provided on the NOI form.	If you post your SWPPP on the Internet, 30 days after EPA posts your NOI. Otherwise, 60 days after EPA posts your NOI.
<u>New Owner/Operator of Existing Discharger</u> - transfer of ownership and/or operation of a facility whose discharge is authorized under this permit	A minimum of 30 days prior to date that the transfer will take place to the new owner/operator.	30 days after EPA posts your NOI.
<u>Other Eligible Dischargers</u> - in operation prior to October 30, 2005, but not covered under the MSGP 2000 or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.	If you post your SWPPP on the Internet, 30 days after EPA posts your NOI. Otherwise, 60 days after EPA posts your NOI.

3. Per 1.2 of the Permit: Permit Compliance

- *Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act. As detailed in Part 3 (Corrective Actions) of this permit, failure to take any required corrective actions constitute an independent, additional violation of this permit and the Clean Water Act.*

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The SWPPP should include the following:

- **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.
- **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.

- **Description of structural controls/practices**
- **Good housekeeping practices**
- **Maintenance**
- **Spill prevention and Response procedures**
- **Erosion and sediment controls**
- **Management of run-on**
- **Sector specific requirements (Sector L)**
- **Employee Training**
- **Non-stormwater discharges**
- **Waste, garbage and floatable debris**
- **Dust generation and vehicle tracking of industrial materials**
- **All inspection reports**
- **Copy of the NOI**
- **Copy of the permit**

**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 12/9/2010	Time: 0948 hours
City/County: 12 miles east of Carlsbad, NM on Hwy 62/180/Eddy County		
Location: Eddy County Sandpoint Landfill, facing northeast.		
Subject: Storage tanks and used piping, sector I, Oil & Gas Extraction and Refining. Used material discarded at the landfill for disposal or recycling.		



**NMED/SWQB
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: 12/9/2010	Time: 0941 hours
City/County: 12 miles east of Carlsbad, NM on Hwy 62/180/Eddy County		
Location: Eddy County Sandpoint Landfill, facing east.		
Subject: Landfill debris exposed to stormwater runoff.		

