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NEW MEXICO
ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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RON CURRY
Secretary
SARAH
COTTRELL
Deputy Secretary

December 22, 2010

Quality Recycling
Mr. Donald Ensor, Owner
310 Lea St.
Carlsbad, NM 88220

**Re: Storm Water Compliance Inspection, SIC 5093, NPDES Multi-Sector General Permit
#NMU001702, December 9, 2010**

Dear Mr. Ensor,

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



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 2 11 12 1 0 1 2 0 9 17 18 ~				19 S 20 2	
Remarks					
R E C Y C L I N G					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	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) Quality Recycling, 310 Lea St., Carlsbad, NM. From 285/S. Canal St. turn west onto 524/West. The business is almost at this corner.	Entry Time /Date 1225 hours/12-9-2010	Permit Effective Date 9-29-2008
	Exit Time/Date 1255 hours/12-9-2010	Permit Expiration Date 9-29-2013
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Donald Ensor/Facility Owner/575-937-2909	Other Facility Data GPS: N. 32° 24' 52.63" W. -104° 13' 45.87"	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Donald Ensor, 310 Lea St., Carlsbad, NM 88220/Facility Owner/575-937-2909	Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
SIC: 5093 Activity code: N1		

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)

- FACILITY HAS NOT APPLIED FOR AND RECEIVED REQUIRED NPDES PERMIT COVERAGE.
- 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 12/21/10
Signature of Management QA Reviewer Richard Powell /s/Richard Powell	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2798	Date 12/21/10

**Compliance Evaluation Inspection
Quality Recycling
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Further Explanations

Introduction

On December 9, 2010, a Compliance Evaluation Inspection was conducted at Quality Recycling (Standard Industrial Classification 5093, Activity Code N1) located at 310 Lea St., 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 N) and stormwater regulations at **40 Code of Federal Regulations (CFR) Part 122.26**.

Quality Recycling operates on approximately a quarter acre site. On the site is a building that contains the office and indoor storage area. Batteries are stored here as well as other items that may have some resell value. One enclosed trailer was parked on site to receive cans and metals; this trailer is locked after business hours. A trailer with an open top is present to receive white goods and scrap metal, (see photo 1). Any contaminates mobilized during a rain event would discharge to Lea Street. The site appeared well ordered and clean. No soil discolorations or obvious spills were noted. The open trailer is picked up and taken to CMC Recycling in El Paso for resell. A review of delivery records revealed trailer was picked up almost daily but not all the time.

The Carlsbad area is located within the Chihuahuan Desert range, the annual average precipitation at Carlsbad is 14.15 inches. Rainfall is fairly evenly distributed throughout the year. The wettest month of the year is September with an average rainfall of 2.90 Inches. This site is in the Pecos River Basin in Segment 20.6.4.203 NMAC.

An entrance interview was conducted with Donald Ensor, Owner, at approximately 1225 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 1255 hours on December 9, 2010 with Donald Ensor. 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 Donald Ensor.

Findings:

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

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."*

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- *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.*

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 - have commenced discharging between October 30, 2005 and January 5, 2009.</u>	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.

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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During the inspection the possibility of the site qualifying for a No Exposure Certification was posed. Per the No Exposure Factsheet:

***No exposure** is defined as all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products.*

To quantify for a No Exposure Certification each of the following questions has to be answered with a **NO**. If any of the questions are answered **YES** you are not eligible for the No Exposure exclusion. Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future?

- 1. Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to stormwater*
- 2. Materials or residuals on the ground or in stormwater inlets from spills/leaks*
- 3. Materials or products from past industrial activity*
- 4. Material handling equipment (except adequately maintained vehicles)*
- 5. Materials or products during loading/unloading or transporting activities*
- 6. Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to stormwater does not result in the discharge of pollutants)*
- 7. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers*
- 8. Materials or products handled/stored on roads or railways owned or maintained by the discharger*
- 9. Waste material (except waste in covered, non leaking containers [e.g., dumpsters])*
- 10. Application or disposal of process wastewater (unless otherwise permitted)*
- 11. Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the stormwater outflow*

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 Section N – Scrap Recycling and Waste Recycling Facilities. A SWPPP had not been prepared in written form, was not available at the site for inspection, and was not being implemented on site. A SWPPP should include the following information:

A 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.

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- **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: 1235 hours
City/County: Carlsbad/Eddy County		
Location: 310 Lea St., Carlsbad New Mexico, Quality Recycling		
Subject: Quality Recycling facility, picture taken facing west along Lea St.		

