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DAVE MARTIN
Secretary

RAJ SOLOMON, P.E.
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Certified Mail – Return Receipt Requested

February 28, 2011

Mr. Louis Biad, Owner
Rezolex Ltd. Co.
2240-A Pepper Road
Las Cruces, NM 88007

Re: Industrial Storm Water, SIC 2099, NPDES Compliance Evaluation Inspection, Rezolex Limited Company, NMU001716, February 21, 2011

Dear Mr. Biad,

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 Gail Bohling, 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 that you provided during my visit to your site. If you have any questions, please feel free to contact me at the above address or by telephone at (505) 222-9587.

Sincerely,

/s/ Sarah Holcomb

Sarah Holcomb
Environmental Scientist/Specialist
Surface Water Quality Bureau

Cc: Marcia Gail Adams, USEPA (6EN-AS) via e-mail
Samuel Tate, USEPA (6EN-AS) via e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) via e-mail
Diana McDonald, USEPA (6EN-WM) via e-mail
Frank Fiore, NMED District 3 Manager (via e-mail)

**Compliance Evaluation Inspection
Rezolex Limited Company, Sector U
NPDES Permit #NMU001716, February 21, 2011**

Further Explanations

Introductions

On February 21, 2011, a Compliance Evaluation Inspection was conducted at the Rezolex Limited Company facility (Standard Industrial Classification 2099) located in Radium Springs, New Mexico by Sarah Holcomb 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 U) and stormwater regulations at **40 Code of Federal Regulations (CFR) Part 122.26**.

Rezolex Limited Company has been in business since 1992 and is engaged in the production of edible fats and oils, and spices/food coloring from red chile pods. Dried chile pods are brought to the facility and ground into a powder. Hot pentane is added to the chile powder, and then evaporated off to create a natural red food coloring. There is a series of 5 sedimentation lagoons outside, which contain the facility's process wastewater. The facility has a permit with the NMED Ground Water Quality Bureau for discharge of that wastewater to a land application site just along the facility's boundary with I-25.

Storm water from this facility discharges to the Lucero Arroyo, thence to irrigation canals, and thence to the Rio Grande in 20.6.4.101 NMAC of the Lower Rio Grande Basin (*State of New Mexico Standards for Interstate and Intrastate Surface Waters*). Designated uses of the Rio Grande in this section are irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

The inspector arrived at the facility at 1130 hours. The inspector conducted an entrance interview with Mr. Louis Biad, Owner, during which the inspector made introductions, presented her credentials and discussed the purpose of the inspection. Mr. Biad accompanied the inspector on a tour of the entire facility and explained processes and waste management measures already in place.

This report is based on verbal information reported by the facility representative, on-site observations made by NMED personnel, and records maintained by NMED and the USEPA.

Findings:

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, 306, 307, 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 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."

This facility did not have NPDES permit coverage on the date of this inspection. 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 Sector U – Food and Kindred Products – under SIC 2099.

A Storm Water Pollution Prevention Plan (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 description of potential pollutant sources** – includes a site map, an identification of the types of pollutants that are likely to be present in storm water discharges, an inventory of the types of materials handled at the site that potentially may be exposed to precipitation, a list of significant spills and leaks of toxic or hazardous pollutants, sampling data, a narrative description of the potential pollutant sources from specific activities at the facility, and identification of specific potential pollutants; and
- **A description of appropriate measures and controls** – includes the type and location of existing and proposed non-structural and structural BMPs (Best Management Practices) selected for each of the areas where industrial materials or activities are exposed to storm water. Non-structural and structural BMPs to be described and implemented include such things as good housekeeping, preventive maintenance, spill prevention and response procedures, periodic inspections, employee training, record keeping, non-storm water evaluations and certifications, sediment and erosion control, as well as implementation/maintenance of traditional storm water management practices, where appropriate.

Activities at this food additive production facility can result in the creation of various pollutant sources that include, but are not limited to, the following:

- **Raw Material Unloading/Product Loading:** These activities can be a source of pollutants such as BOD (biochemical oxygen demand), TSS (total suspended solids), oil and grease, pH and TKN (total Kjeldahl nitrogen). These pollutants can come from sources such as container defects, spills and leaks during the loading/unloading process, failed connections and washdown of the loading/unloading area.
- **Storage Containers (including liquid and solid storage above ground):** These activities can be a source of pollutants such as BOD, TSS, oil and grease, and pH. These pollutants can come from sources such as failed piping and connections, external corrosion and structural failure, spills and overflows due to operator error, outside/open containers, operator handling and transporting, spills and leaks from damaged containers, and dust and particulates.
- **Waste Management (including air emissions, solid waste and wastewater):** These activities can be a source of pollutants such as BOD, TSS, oil and grease, pH, copper, manganese and fecal coliform. These pollutants can come from sources such as oven emissions, vents, fine solids handling, dumpsters and trash cans, spent equipment/scrap, treatment processes (e.g., hydraulic overflow), and outside piping and connections (couplings, flanges, hoses, valves and pumps).
- **Pest Control:** These activities can be a source of pollutants such as miscellaneous insecticides/rodenticides/pesticides, and TKN. These pollutants can come from sources such as outside areas of application.
- **Improper Connections to the Storm Sewer:** These activities can be a source of pollutants such as BOD, TSS, oil and grease, and pH. These pollutants can come from sources such as process wastewaters, process floor drains, sanitary sewers, and underground storage tanks.

If not properly managed or treated in accordance with an NPDES permit, activities associated with the activities at this facility could be a potential threat to water quality through storm water discharges.

Site Inspection Summary

The MSGP was reissued in 2008.

On the day of the inspection, some pollutant sources observed on site that were exposed outside and could potentially come into contact with storm water included: 1) minimal outdoor chemical storage (however this was contained under a roof), 2) wastewater sedimentation basins, and 3) exposed washwater troughs leading to the wastewater basins.

For additional information on BMPs and SWPPPs for Sector U, please refer to pages 51007-51019 in the document entitled *Final NPDES Storm Water Multi-Sector General Permit for Industrial Activities (Federal Register/Vol. 60, No. 189, Friday, September 29, 1995)*. This document can be downloaded from “Storm Water Archived Publications” at:

https://cfpub2.epa.gov/npdes/docs.cfm?view=archivedprog&program_id=6&sort=date_published. This is an

older, discontinued permit (1995 MSGP) but contains helpful background information that was not carried over to either the 2000 or 2008 MSGP.

An exit interview to discuss the preliminary findings of this inspection was conducted on-site with Mr. Biad at approximately 1210-1215 hours. The inspector informed the Mr. Biad of the requirements under the NPDES storm water program regarding permitting requirements, preparation of a SWPPP, and installation of appropriate storm water runoff control practices (per the SWPPP).

After returning to the office, the inspector sent Mr. Biad an email with information on the permitting process, including links to the permit, an example Storm Water Pollution Prevention Plan, guidance documents, Best Management Practices and how to file for coverage using the eNOI system. Information was also included on the No Exposure Certification. The inspector also left a business card with Mr. Biad in case there were questions at a later time.