



NEW MEXICO
ENVIRONMENT DEPARTMENT



Surface Water Quality Bureau

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DAVE MARTIN
Secretary
RAJ SOLOMON, P.E.
Deputy Secretary

Certified Mail - Return Receipt Requested

March 11, 2011

Ms. Lisa Murphy, Manager
Las Cruces International Airport
PO Box 20000
Las Cruces, New Mexico 88004

RE: Industrial; Storm Water; SIC 4581; NPDES Compliance Evaluation Inspection; Las Cruces; International Airport; NMU001719; February 23, 2011

Dear Ms. Murphy:

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 and NMED regarding modifications and compliance schedules.

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>

If you have any questions, please feel free to contact me at the above address or by telephone at (505) 827-2798.

Sincerely,

/s/ RICHARD E. POWELL

Richard E. Powell
Surface Water Quality Bureau

CC: Samuel Bates, USEPA (6EN-AS) by email
Carol Peters-Wagnon, USEPA (6EN-WM) by email
Marcia Gail Adams, USEPA (6EN-AS) by email
Diana McDonald, USEPA (6EN-WM) by email
NMED, District III Las Cruces by email
Mr. Robert L. Garza, P.E., City Manager, City of Las Cruces 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	U	0	0	1	7	1	9	11	12	1	1	0	2	2	3	17	18	}	19	S	20	2
Remarks																												
A I R P O R T																												
Inspection Work Days						Facility Evaluation Rating						BI		QA		Reserved												
67						70						71		72		73 74 75 76 77 78 79 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) LAS CRUCES INTERNATIONAL AIRPORT, 8990 ZIA BOULEVARD, LAS CRUCES, NM, 110 EXIT 132 WEST OF LAS CRUCES NORTH TO TERMINAL DONA ANA COUNTY		Entry Time /Date 1415/2-23-11	Permit Effective Date 6-30-08
		Exit Time/Date 1510/2-23-11	Permit Expiration Date 6-30-11
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) SUSAN PFEIFFER, ADMINISTRATIVE ASSISTANT 575-541-2471		Other Facility Data	
Name, Address of Responsible Official/Title/Phone and Fax Number LISA MURPHY, MANAGER, LAS CRUCES INTERNATIONAL AIRPORT, PO BOX 20000, LAS CRUCES, NM 88004 575-541-2473		LAT 32 16 56.7 LONG -106 55 11.3 SIC CODE 4581	
		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)

U	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
N	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 AND HAS NOT PREPARED OR IMPLEMENTED A STORM WATER POLLUTION PREVENTION PLAN (SWPPP).
- SEE REPORT AND FURTHER EXPLANATIONS.

Name(s) and Signature(s) of Inspector(s) /s/ RICHARD E. POWELL	Agency/Office/Telephone/Fax NMED/SWQB 505-827-2798	Date 3-11-11
Signature of Management QA Reviewer /s/ STEVEN M. BAUMGARN	Agency/Office/Phone and Fax Numbers NMED/SWQB 575-647-7981	Date 3-11-11

**Compliance Evaluation Inspection
Las Cruces International Airport
NPDES Facility #NMU001719, February 23, 2011**

Further Explanations

Introduction

On February 23, 2011, a Compliance Evaluation Inspection was conducted at the City of Las Cruces International Airport (Airports, Flying Fields, and Airport Terminal Services - Standard Industrial Classification 4581) located in Las Cruces, New Mexico by Richard E. Powell of the State of New Mexico Environment Department (NMED). The purpose of this inspection was to document the facility'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 descriptions of industrial activities in section S) and storm water regulations at **40 Code of Federal Regulations (CFR) Part 122.26**. NPDES storm water inspections of two (possibly three) airport tenet facilities were not conducted.

The City of Las Cruces (the airport authority) owns and operates the Las Cruces International Airport and engages in various activities such as airport terminal services and aircraft storage, airport hanger rental, airport leasing, etc. The airport authority itself does no aircraft or ground vehicle maintenance, fueling or deicing/anti-icing but has two tenants on-site (Adventure/Southwest Aviation and Las Cruces Aero Services) which do conduct fueling (Adventure/Southwest Aviation) and maintenance (Las Cruces Aero Services) activities. A third tenet (Zia Aviation) also may do some aircraft maintenance at the site. Storm water runoff from the site discharges to an unclassified tributary the Rio Grande in Segment 20.6.4.101 (NMAC) of the Rio Grande Basin. This report is based on a review of files maintained by the facility operator and NMED, on-site observation by NMED personnel, and verbal information provided by Ms. Susan Pfeiffer, Administrative Assistant.

An entrance interview was conducted with Ms. Pfeiffer at approximately 1415 hours on February 23, 2011. The inspector made introductions, presented his credentials and discussed the purpose of the inspection.

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."

The City of Las Cruces may have had NPDES storm water permit coverage under the expired (September 9, 1997) NPDES baseline general storm water permit but, if so, apparently terminated

coverage under that permit, possibly in 1996-1997. This facility has not applied for coverage under the MSGP 1995, 2000 or 2008 as of the date of this inspection. Following an NPDES storm water compliance inspection by NMED Surface Water Quality Bureau on behalf of EPA in November 1996, the airport manager apparently contacted EPA staff (Greg Chomycia) to discuss permit requirements. However, a “Memo for Record” documenting this discussion provides no detail regarding information provided to EPA by the facility, or information provided by EPA. However, based on this discussion, the airport manager apparently had the mistaken impression that the airport operator may not require permit coverage at that time. As discussed below, this conclusion is incorrect.

Although not clarified in the 2008 MSGP Fact Sheet of Permit, permit coverage requirements for the airport authority/operator is discussed in both the 2000 MSGP Fact Sheet as well as the Industrial Storm Water Fact Sheet Series for Sector S facilities as follows:

2000 MSGP Fact Sheet –

1. Discharges Covered Under This Section

*The conditions in this section apply to airports, airport terminals, airline carriers, **and** establishments engaged in servicing, repairing, or maintaining aircraft and ground vehicles, equipment cleaning and maintenance (including vehicle and equipment rehabilitation mechanical repairs, painting, fueling, lubrication) or deicing/anti-icing operations which conduct the above described activities (facilities generally classified as SIC code 45). (emphasis added)*

a. Responsible Parties.

*Airports typically operate under a single management organization known as the airport “authority” which in most cases is a public agency. Airline carriers and other fixed base operators (e.g., fueling companies and maintenance shops) that have contracts with the airport authority to conduct business on airport property are commonly referred to as “tenants” of the airport. Tenants may be of two types—those that are regulated as storm water dischargers associated with industrial activities under 40 CFR 122.26(b)(14) and those that are not. The operator **and** the tenants of the airport that conduct industrial activities as described above, or as described anywhere in 40 CFR 122.26(b)(14) and which have storm water discharges, are required to apply for coverage under an NPDES storm water permit for the discharges from their areas of operation. (emphasis added)*

Ultimately, the operator(s)/owner(s) (the airport authority) of the storm water outfalls from the airport is(are) responsible for compliance with all terms and conditions of this or other NPDES permits applicable to those outfalls.

Industrial Storm Water Fact Sheet Series for Sector S facilities –

*The operator **and** the tenants of the airport that conduct industrial activities as described above and which have stormwater discharges are required to apply for coverage under an NPDES stormwater permit for the discharges from their areas of operation. The airport management and tenants of the*

airport are encouraged to apply as co-permittees under a permit, and to work in partnership in the development and implementation of a stormwater pollution prevention plan. (emphasis added)

Therefore, the airport authority/operator (City of Las Cruces), as well as all tenants who engage in "industrial activity," require NPDES permit coverage for storm water discharges from their areas of operation. In addition to the airport operator, according to EPA's NOI database, none of the regulated tenants have in the past, or currently have, permit coverage. Each day that these facilities engaged in "industrial activities" and operated the facilities without NPDES permit coverage beginning on the date of termination under the baseline general permit, and continuing, have been in apparent violation of Section 301 of the Clean Water Act, 33 U.S.C. § 1311.

The City of Las Cruces has not prepared a storm water pollution prevention plan (SWPPP), and a SWPPP is not being implemented. Activities at this site result in the creation of various pollutant sources including, but not limited to, the following:

- Aircraft Maintenance - spills and leaks during fuel delivery, spills caused by purging and "topping off" fuel tanks, and corrosion and structural failure of liquid storage barrels/tanks, spills and leaks of deicing/anti-icing fluids, etc. These are significant potential sources of storm water contaminants such as various petroleum products and by-products, heavy metals, propylene glycol, oxygen depleting parameters such as chemical oxygen demand (COD) or biochemical oxygen demand (BOD), and others; and
- Runway Maintenance - tire rubber, oil and grease, paint chips, deicing/anti-icing fluids, chemicals used to clean the runway surface and fuel from runway surface cleaning operations.

If not properly managed or treated in accordance with an NPDES permit, these activities are a potential threat to water quality through storm water discharges. Generally, the airport authority (i.e., City of Las Cruces) and all "tenants" of the airport that conduct industrial activities as described in **40 CFR Part 122.26(b)(14)** (e.g., Adventure/Southwest Aviation, Las Cruces Aero Services, possibly Zia Aviation) are required to apply for NPDES storm water permit coverage for discharges from their areas of operation. The airport authority and tenants of the airport should work in partnership in the development and implementation of a SWPPP. However, each SWPPP developed separately for areas of the airport facility occupied by these tenants must be integrated into the SWPPP for the entire airport facility. During implementation of its SWPPP, the airport authority should also work cooperatively with tenants that are not required to have a NPDES permit for their storm water discharges.

An SWPPP should include such things as:

- **A description of potential pollutant sources** - includes such things as 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 best management practices (BMPs) selected for each of the areas where industrial materials or activities are exposed to storm water. A SWPPP must contain a narrative evaluation of the appropriateness of storm water management practices that divert, infiltrate, reuse, or otherwise manage storm water runoff so as to reduce the discharge of pollutants. Non-structural and structural BMPs to be described and implemented include such things as minimizing exposure, 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. A combination of preventive and treatment BMPs will yield the most effective storm water management for minimizing the offsite discharge of pollutants via storm water runoff.

An exit interview to discuss the preliminary findings of this inspection was conducted at approximately 1500 hours on February 23, 2011 with Ms. Pfeiffer, at the airport terminal.