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DAVE MARTIN
Secretary

RAJ SOLOMON, P.E.
Deputy Secretary

March 29, 2011

Honorable, Mayor Gayla Brumfield
City of Clovis, City Hall
321 North Connelly
Clovis, New Mexico 88101

RE: Industrial Storm Water, SIC 4953, NPDES Compliance Evaluation Inspection, City of Clovis, Regional Solid Waste Facility, NMU001723, March 2, 2011

Mayor Brumfield:

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, 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 (6EN-WM)
U.S. Environmental Protection Agency
Allied Bank Tower
Region VI Enforcement Branch
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

I appreciate the cooperation of Mr. Clint Bunch and Mr. Justin Howalt during this inspection. If you have any questions about this inspection report, please contact me at (505) 827-0418.

Sincerely,

/s/Erin S. Trujillo
Erin S. Trujillo
Surface Water Quality Bureau

cc: Marcia Gail Adams, USEPA (6EN-AS) by e-mail
Samuel Bates, EPA (6EN-AS) by e-mail
Carol Peters-Wagon, USEPA (6EN-WM) by e-mail
Diana McDonald, USEPA (6EN-WM) by e-mail
Frank Fiore, NMED Environmental Health Division (NMED District IV) by e-mail
Clint Bunch, Director, Public Works Department, City of Clovis by e-mail

**City of Clovis Regional Solid Waste Facility Landfill
Compliance Evaluation Inspection – Industrial Stormwater
NPDES Tracking No. NMU001723
March 2, 2011**

Further Explanations

Introduction

On March 2, 2011, a Compliance Evaluation Inspection (CEI) was conducted at City of Clovis Regional Solid Waste Facility Landfill in Clovis, New Mexico by Erin S. Trujillo of the New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB). The purpose of this inspection was to document the facility operator's status regarding the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 and the industrial stormwater Multi-Sector General Permit (MSGP).

City of Clovis Regional Solid Waste Facility Landfill has activities on site that meet the description in 40 CFR 122.26(b)(14)(v), and Sector L (Landfills and Land Application Sites) of the MSGP. Stormwater discharges are to the City of Clovis small Municipal Separate Storm Sewer System (small MS4) and unclassified surface waters, then to Blackwater Draw in the Brazos Headwaters Sub-basin, Texas-Gulf Basin tributary to the Brazos River in Texas.

Upon arrival at approximately 1425 hours at the City of Clovis, Public Works Complex, 801 South Norris Street, Clovis, New Mexico on March 1, 2011, the inspector made introductions, presented credentials and stated the purpose of inspections for the City of Clovis Waste Water Treatment Plant (WWTP) and Solid Waste Facility to Mr. Clint Bunch, Director, Public Works Department. Separate CEIs reports will be written for the WWTP (NPDES Tracking Nos. NML000002 and NMU001723).

After arrival at the City's Public Works Complex at approximately 0745 hours on March 2, 2011, the inspector re-discussed the purpose of the inspection and obtained additional information from Mr. Bunch and Mr. Justin Howalt, P.E., City Engineer, Public Works Department, City of Clovis. The inspector and Mr. Bunch toured the City's Solid Waste Facility, Ingram Lake and associated dam. An exit interview and preliminary findings of the inspection were discussed with Mr. Bunch on site. The inspector left the facility at approximately 0917 hours on March 2, 2011.

This report is based on review of EPA's on-line notice of intent (eNOI) database, files maintained by NMED and the operator, observations by NMED personnel, and verbal information provided by the operator's representatives. The operator had a stormwater pollution prevention plan (SWPPP) prepared by Camp Dresser & McKee Inc., Albuquerque, New Mexico, that included site activity and drainage outfall maps, dated July of 2010. Since the operator did not have permit coverage, the facility's SWPPP was not evaluated to determine the document's compliance with the MSGP. Additional information was obtained by telephone from Mr. Howalt on March 28, 2011.

Clean Water Act (CWA) and Industrial Stormwater Permit Requirements

Section 301 (a) of the Federal Water Pollution Control 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."* Federal regulations in 40 CFR 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."*

USEPA's MSGP was re-issued effective September 29, 2008 (Federal Register/Vol. 73, No. 189/Monday, September 29, 2008 pg. 56572) replacing the 2000 MSGP which expired on October 30, 2005 and that replaced the 1995 MSGP effective on September 29, 1995. To obtain permit coverage under the MSGP, an operator must complete a Stormwater Pollution Prevention Plan (SWPPP) that among other things documents eligibility for permit coverage, and submit a Notice of Intent (NOI) to the USEPA. The SWPPP is intended to describe the potential pollutant sources and document the selection, design, and installation of control measures. 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 best management practices (BMPs) 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.

USEPA's MSGP requires routine facility inspections, quarterly visual assessment documentation, comprehensive site inspections, recordkeeping and annual reporting. Operators must also comply with Part 8 sector-specific requirements associated with primary industrial activity and any co-located industrial activities, as defined in Appendix A of the MSGP. Sector-specific requirements for landfills, land application sites and open dumps include elements for the preventive maintenance program, erosion and sedimentation control, unauthorized discharge test certification, drainage area site map, summary of potential pollutant sources, additional inspection requirements, post-authorization documentation requirements, recordkeeping and internal reporting, and sector-specific benchmarks.

Sector L benchmark monitoring is required for non-contaminated discharges not subject to effluent limitations in 40 CFR Part 445 Subpart B. Non-contaminated stormwater does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated stormwater includes stormwater that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill. All landfill, land application sites and open dumps, except municipal solid waste landfill (MSWLF) areas closed in accordance with 40 CFR 258.60 have benchmark monitoring requirements for TSS (100 mg/L) and Total Iron (1.0 mg/L). Areas closed in accordance with 40 CFR 258.60 have benchmark monitoring requirements for TSS (100 mg/L).

Table 8.L-2 of the 2008 MSGP identifies effluent limits that apply to contaminated stormwater discharges from MSWLFs that have not been closed in accordance with 40 CFR 258.60. Per Part 8.L of the 2008 MSGP, contaminated stormwater is "*stormwater that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated stormwater include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.*" Discharges from nonhazardous waste landfills are subject to effluent limitations (daily maximum and monthly average maximum) for the following pollutants in 40 CFR Part 445 Subpart B: Biochemical Oxygen Demand (BOD5); TSS; Ammonia; Alpha Terpineol; Benzoic Acid; p-Cresol; Phenol; Total Zinc; and pH.

USEPA's MSGP and additional information is available at:

http://cfpub1.epa.gov/npdes/stormwater/msgp.cfm#permit_factsheet.

An industrial stormwater fact sheet series for Sector L is available at USEPA's website:

http://www.epa.gov/npdes/pubs/sector_l_landfills.pdf.

The fact sheet series provides a brief summary of the NPDES industrial stormwater permitting program, types of facilities included, summary of typical pollutants associated with activities, and types of stormwater control measures (BMPs) used to minimize the discharge of those pollutants.

On-Site Industrial Activities

City of Clovis has operated a landfill at this site since the 1980's. As confirmed by the on-site operator representative, the City of Clovis Regional Solid Waste Facility landfill receives or has received industrial waste from some of the facilities described under 40 CFR 122.26(b)(14) categories (i) through (xi), including construction waste. The facility includes a landfill area that was closed in 1999 and active landfill area. Co-located and other activities at the facility include a borrow pit in an area proposed for future landfill cells; regulated hazardous material and unauthorized special waste isolation area; recycle material handling areas; and tire handling and green waste areas. An above-ground water tank for dust suppression was located near the recycling material handling area. Mobile "fuelers" are used to fill heavy landfill equipment. Vehicles travel to the adjacent City's public works/maintenance yard on an unpaved road joining the two facilities. Landfill vehicles are washed at the City's public works/maintenance yard at a bay that drains to the City's WWTP according to the on-site operator representative.

Runoff from the closed landfill area is south toward Ingram Lake; west toward a drainage channel along the landfill/property boundary then to Ingram Lake; and north toward a drainage channel along Brady Avenue, then re-enters the facility from Brady Avenue then flows to an on-site sedimentation pond with an outfall to Ingram Lake. The on-site sedimentation pond was designed to collect stormwater for a 100-year 6-hour probable storm peak according to an operator representative. The active landfill cell and borrow pit area has internal drainage--stormwater runoff flows into the cell or pit. Runoff from the filled cells of the active landfill flows to the previously discussed on-site sedimentation pond with an outfall to Ingram Lake. Landfill vehicle access between the active landfill and the borrow pit area is at a low water crossing at Ingram Drainage Channel. Ingram Drainage Channel, part of the City of Clovis small MS4, exists east of the active landfill within the landfill permit boundary, then crosses between the active landfill area and the borrow pit area, then flows to Ingram Lake. Runoff from co-located activities (regulated hazardous material and unauthorized special waste isolation area; and recycle material handling areas) flows through an on-site culvert crossing at the access road between the active landfill and borrow area, then to a drainage channel to the on-site sedimentation pond.

Overflow from Ingram Lake is toward a spillway in Ingram Lake Dam constructed in 1999. Based on an inundation map in the emergency action plan for the dam prepared by Gannet Fleming West, Inc., potential areas flooded if the dam should fail are southeast and south of the spillway.

Findings

City of Clovis, an operator of a landfill that receives or has received industrial waste as described in 40 CFR 122.26(b)(14), did not obtain coverage under the 1995, 2000 or 2008 USEPA NPDES MSGP for stormwater discharges associated with industrial activities.

The lower portion of the closed landfill was stabilized with concrete and no exposed waste was observed. A few erosion rills had formed on the inactive cells with final cover, but not finally stabilized. Vegetative seeding on these slopes had not been established. Under USEPA's MSGP (see Part 2.1.2.11 Waste, Garbage and Floatable Debris), "*You must 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.*" Also, landfill operators would be required to "*provide temporary stabilization (e.g., temporary seeding, mulching, and placing geotextiles)*" at the inactive landfill areas--see Part 8.L.5.2 Erosion and Sedimentation Control and Part 2.1.2.5 of the 2008 MSGP.

The operator's representative stated that stormwater samples had not been collected from outfalls identified in the facility's SWPPP. To his knowledge, there had not been a discharge from the on-site sedimentation pond to Ingram Lake. Quarterly visual assessment, benchmark and effluent monitoring would be required for stormwater discharges to Ingram Lake and Ingram Drainage Channel under the 2008 MSGP.

Analytical benchmark monitoring for TSS would be required for stormwater discharges to Ingram Lake from the closed landfill area. Discharges of non-contaminated storm water from the active landfill areas from the on-site sedimentation pond to Ingram Lake would be subject to TSS and Total Iron benchmark monitoring. Analytical benchmark monitoring would also be required of stormwater discharges from co-located industrial activities from the on-site sedimentation pond to Ingram Lake. NPDES regulations at 122.26(b)(14) and the MSGP define "*stormwater discharges associated with industrial activities*" to include, but not be limited to, "*immediate access roads... used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility.*" Therefore, benchmark monitoring of stormwater discharges at Ingram Drainage Channel from the access road between the active landfill and borrow area would be required under the 2008 MSGP. There may also be potential for runoff overflow from co-located activities to discharge to Ingram Drainage Channel at the low water crossing. If that occurred, then analytical benchmark monitoring would be required of stormwater discharges from co-located industrial activities at Ingram Drainage Channel.

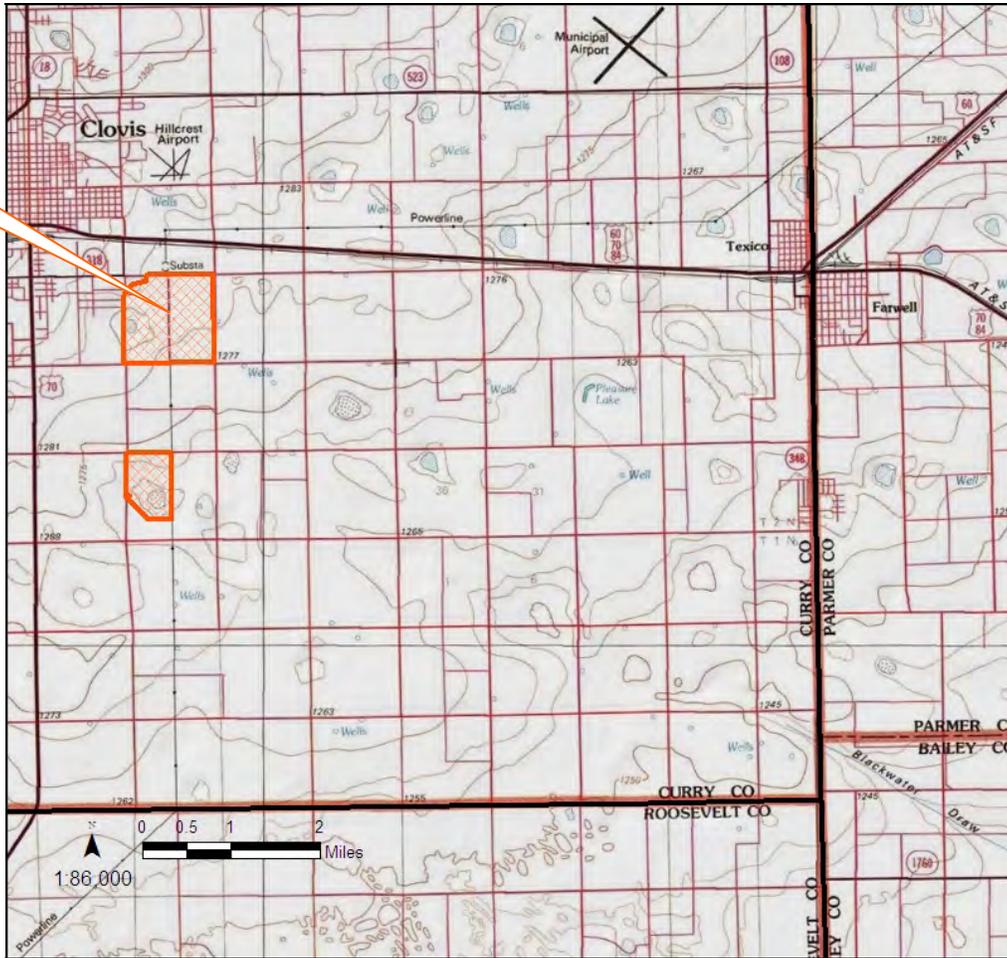
No wastewater or leachate discharges were observed on the day of this inspection, but a leachate handling area was shown on the facility's SWPPP activities map near the on-site sedimentation pond. Under a required Preventive Maintenance Program (see Parts 8.L.5.1 and 2.1.2.3 of the 2008 MSGP), all elements of leachate collection and treatment systems are to be maintained to prevent commingling of leachate with stormwater.

Very high winds in the Clovis area (approximately 70 miles per hour) were reported prior to this inspection. The active landfill had wind blown waste in areas that drain to the on-site sedimentation pond on the day of this inspection. It is not known if some of the observed landfill waste outside the active landfill cell was from vehicle tracking. Under the 2008 MSGP (see Part 2.1.2.12 Dust Generation and Vehicle Tracking of Industrial Materials), "*You must minimize generation of dust and off-site tracking of raw, final, or waste materials.*" Trucks, equipment, or machinery that has been in direct contact with waste using the low water crossing at Ingram Drainage Channel may produce contaminated stormwater. Also, stormwater that comes into direct contact with landfill wastes that discharges to Ingram Drainage Channel or to Ingram Lake would be subject to annual monitoring for effluent limits set forth in 40 CFR Part 445 Subpart B.

If not properly managed or minimized in accordance with USEPA's NPDES MSGP, pollutants in stormwater and any allowable non-stormwater discharges from this facility's industrial activity are a potential threat to water quality.

| NMED/SWQB General Area Map | | |
|---|-------------------|--|
| Created by: Erin S. Trujillo | | |
| City/County: Clovis / Curry County | State: New Mexico | |
| Location: City of Clovis Regional Solid Waste Facility Landfill | | |

Approximate
Landfill
Boundaries



| NMED/SWQB Facility Aerial Map | | |
|--|-------------------|--|
| Created by: Erin S. Trujillo | | |
| City/County: Clovis / Curry County | State: New Mexico | |
| Location: City of Clovis Regional Solid Waste Facility Landfill (approximate boundaries) | | |



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|--|------------------|-------------------|
| NMED/SWQB Official Photograph Log Photo # 1 | | |
| Photographer: Erin S. Trujillo | Date: 03/02/2011 | Time: 0833 hours |
| City/County: Clovis / Curry County | | State: New Mexico |
| Location: City of Clovis Regional Solid Waste Facility Landfill | | |
| Subject: Example of windblown landfill waste (trash and debris) along and outside interior landfill fences. Arrow points to example of earth berm used to separate runoff on site. | | |



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|--|------------------|-------------------|
| NMED/SWQB Official Photograph Log Photo # 2 | | |
| Photographer: Erin S. Trujillo | Date: 03/02/2011 | Time: 0840 hours |
| City/County: Clovis / Curry County | | State: New Mexico |
| Location: City of Clovis Regional Solid Waste Facility Landfill | | |
| Subject: Example of landfill waste (trash and debris) in drainage channel that leads to sedimentation pond (next photo). | | |



| | | |
|---|------------------|-------------------|
| NMED/SWQB Official Photograph Log Photo # 3 | | |
| Photographer: Erin S. Trujillo | Date: 03/02/2011 | Time: 0840 hours |
| City/County: Clovis / Curry County | | State: New Mexico |
| Location: City of Clovis Regional Solid Waste Facility Landfill | | |
| Subject: Sedimentation pond. Arrow points to raised riser pipe with inlet that leads to drainage pipe with an outfall at Ingram Lake. | | |



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| NMED/SWQB Official Photograph Log Photo # 4 | | |
| Photographer: Erin S. Trujillo | Date: 03/02/2011 | Time: 0845 hours |
| City/County: Clovis / Curry County | | State: New Mexico |
| Location: City of Clovis Regional Solid Waste Facility Landfill | | |
| Subject: Landfill waste on inactive cell slope with final cover, but not finally stabilized. | | |



| | | |
|---|------------------|-------------------|
| NMED/SWQB Official Photograph Log Photo # 5 | | |
| Photographer: Erin S. Trujillo | Date: 03/02/2011 | Time: 0847 hours |
| City/County: Clovis / Curry County | | State: New Mexico |
| Location: City of Clovis Regional Solid Waste Facility Landfill | | |
| Subject: Arrow points to erosion rills which had formed on the inactive cell slope with final cover, but not finally stabilized. Runoff from these inactive cells flows to the sedimentation pond (previous photo). | | |



| | | |
|--|------------------|-------------------|
| NMED/SWQB Official Photograph Log Photo # 6 | | |
| Photographer: Erin S. Trujillo | Date: 03/02/2011 | Time: 0908 hours |
| City/County: Clovis / Curry County | | State: New Mexico |
| Location: City of Clovis Regional Solid Waste Facility Landfill | | |
| Subject: Ingram Lake. It is not known if the trash and debris observed along the lake bank is attributed to off-site windblown trash, windblown landfill waste, or stormwater discharges from the small MS4. | | |

