



SUSANA MARTINEZ  
Governor

JOHN SANCHEZ  
Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Surface Water Quality Bureau*

Harold Runnels Building, N2050  
1190 South St. Francis Drive (87505)  
P.O. Box 5469, Santa Fe, NM 87502-5469  
Phone (505) 827-0187 Fax (505) 827-0160  
www.nmenv.state.nm.us



DAVE MARTIN  
Secretary

RAJ SOLOMON, P.E.  
Deputy Secretary

**Certified Mail - Return Receipt Requested**

March 22, 2011

Tim Ashley, President  
Clovis Concrete Co., Inc.  
P.O. Box 1231  
Clovis, New Mexico 88102

**RE: Industrial Storm Water, SIC 3273, NPDES Compliance Evaluation Inspection, Clovis Concrete Co., Inc., NMU001724, March 2, 2011**

Mr. Ashley:

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

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



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   2   4   11   12   1   1   0   3   0   2   17   18   ~   19   S   20   2					
Remarks					
R   E   A   D   Y   -   M   I   X   E   D     C   O   N   C   R   E   T   E     F   A   C   I   L   I   T   Y					
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)	Entry Time /Date	Permit Effective Date
Clovis Concrete Co., Inc., 100 North Norris Clovis, NM. Curry County	1005 hrs / 03/02/2011	September 29, 2008
	Exit Time/Date	Permit Expiration Date
	1042 hrs / 03/02/2011	September 29, 2013
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data	
Rachel Huber / Office Assistant / 575-763-7957 and fax 762-1938	Entrance	
Name, Address of Responsible Official/Title/Phone and Fax Number	Latitude 34.398448°	
Tim Ashley, Clovis Concrete Co., Inc., P.O. Box 1231, Clovis, New Mexico 88102 / President / timlashley@msn.com	Longitude -103.178368°	
	Yes <input type="checkbox"/> * No <input type="checkbox"/>	MSGP Sector E / SIC 3273

#### 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)

- 1) Clovis Concrete Co., Inc., an operator of a ready-mixed concrete manufacturing facility, did not obtain coverage under the USEPA NPDES Multi-Sector General Permit (MSGP) for stormwater discharges associated with industrial activities.
- 2) See attached further explanations and photo log.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Erin S. Trujillo /s/Erin S. Trujillo	NMED/SWQB/505-827-0418	03/22/2011
Signature of Management QA Reviewer	Agency/Office/Phone and Fax Numbers	Date
Richard E. Powell /s/Richard E. Powell	NMED/SWQB/505-827-2798	03/22/2011

**Clovis Concrete Co., Inc.**  
**Compliance Evaluation Inspection – Industrial Stormwater**  
**NPDES Tracking No. NMU001724**  
**March 2, 2011**

**Further Explanations**

**Introduction**

On March 2, 2011, a Compliance Evaluation Inspection (CEI) was conducted at Clovis Concrete Co., Inc., 100 North Norris 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).

Clovis Concrete Co., Inc. has ready-mixed concrete manufacturing activities on site that meet the description in Category 40 CFR 122.26(b)(14)(ii), and Sector E (Subsector E2 Concrete, Gypsum, and Plaster Products) of the MSGP. Stormwater discharges are to the City of Clovis small Municipal Separate Storm Sewer System (sMS4), thence to 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 1005 hours on March 2, 2011, the inspector made introductions and stated the purpose of the inspection to Ms. Rachel Huber, Office Assistant, Clovis Concrete Co., Inc. Ms. Huber stated that she did not have authority to give access to the property. Mr. Tim Ashley, President, Clovis Concrete Co. was contacted by telephone by the inspector. But, Mr. Ashley was not available to complete a discussion on the purpose of the inspection and provide access by telephone. A print out of USEPA's permit fact sheet, sector-specific permit requirements and sector-specific fact sheet was left with Ms. Huber to provide to Mr. Ashley. The inspector made observations of on-site activities from public right of way until approximately 1042 hours on the day of the inspection. Additional information was obtained and preliminary findings of the inspection were discussed with Mr. Ashley by telephone on March 8, 2011.

This report is based on review of EPA's on-line notice of intent (eNOI) database, files maintained by NMED, observations by NMED personnel, and verbal information provided by the operator's representative. An NPDES Reconnaissance Inspection was previously conducted at the facility on August 4, 1999 (Rich Powell, NMED SWQB letter to Mr. Tim Ashley dated August 30, 1999). At that time, the operator's representative was also briefly informed of the requirements under the NPDES storm water program and preparation of a SWPPP, and provided a copy of the appropriate sections of the MSGP and NOI form.

**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. USEPA's MSGP and additional information is available at:

[http://cfpub1.epa.gov/npdes/stormwater/msgp.cfm#permit\\_factsheet.](http://cfpub1.epa.gov/npdes/stormwater/msgp.cfm#permit_factsheet)

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. 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.

An industrial stormwater fact sheet for Sector E: Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities is available at USEPA's website:

[http://www.epa.gov/npdes/pubs/sector\\_e\\_glass.pdf](http://www.epa.gov/npdes/pubs/sector_e_glass.pdf)

The fact sheet 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.

Additional ready-mixed concrete, crushed stone and sand and gravel industrial stormwater compliance resources are available at:

<http://www.epa.gov/oecaerth/assistance/sectors/readymix-aggregate.html>.

### **On-Site Industrial Activities and Potential Pollutants**

Ready-mixed concrete manufacturing has occurred at the site since 1957. Clovis Concrete Co., Inc., was incorporated in the State of New Mexico on October 25, 1962. Mr. Ashley has been president of the corporation since 1997. In addition to ready-mixed concrete manufacturing activities, the facility has a shop where vehicle maintenance is conducted. No fueling is conducted on site according to Mr. Ashley.

Pollutant sources observed from the public right of ways included storage of materials and material handling including exposed aggregate and concrete, vehicle tracking, and concrete washout (see Photo Log). Potential pollutants associated with storage of materials, material handling and mixing concrete at concrete manufacturing facilities include total suspended solids (TSS), chemical oxygen demand (COD), biological oxygen demand (BOD), oil and grease (O&G), pH, lead, iron, and zinc. Also, potential pollutants (COD, BOD, O&G, pH, metals and benzene) are associated with equipment/vehicle maintenance activities.

### **Findings**

Clovis Concrete Co., Inc., an operator of a ready-mixed concrete manufacturing facility, did not obtain coverage under the 1995, 2000 or 2008 USEPA NPDES MSGP for stormwater discharges associated with industrial activities based on discussions with Mr. Ashley and available information on the eNOI database. As previously found in 1999, 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 Facility Aerial Map		
Created by: Erin S. Trujillo		
City/County: Clovis / Curry County	State: New Mexico	
Location: Clovis Concrete Co., Inc., 100 North Norris Clovis, NM		



<b>NMED/SWQB Official Photograph Log Photo # 1</b>		
Photographer: Erin S. Trujillo	Date: 03/02/2011	Time: 1016 hours
City/County: Clovis / Curry County		State: New Mexico
Location: Clovis Concrete Co., Inc., 100 North Norris Clovis, NM		
Subject: Accumulated sediments from vehicle tracking at main entrance on North Norris Street. City of Clovis stormwater drain inlets on North Norris Street are located south of the facility's main entrance.		



<b>NMED/SWQB Official Photograph Log Photo # 2</b>		
Photographer: Erin S. Trujillo	Date: 03/02/2011	Time: 1016 hours
City/County: Clovis / Curry County		State: New Mexico
Location: Clovis Concrete Co., Inc., 100 North Norris Clovis, NM		
Subject: Concrete manufacturing facility at main entrance shown in previous photo (east facility boundary)		



NMED/SWQB Official Photograph Log Photo # 3		
Photographer: Erin S. Trujillo	Date: 03/02/2011	Time: 1028 hours
City/County: Clovis / Curry County		State: New Mexico
Location: Clovis Concrete Co., Inc., 100 North Norris Clovis, NM		
Subject: Example of aggregate material piles at various locations on site. This photo was taken at the western boundary of the site.		

Example of material piles



NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Erin S. Trujillo	Date: 03/02/2011	Time: 1029 hours
City/County: Clovis / Curry County		State: New Mexico
Location: Clovis Concrete Co., Inc., 100 North Norris Clovis, NM		
Subject: On-site concrete washout and concrete at western boundary of site (Johnson Street/East 1 <sup>st</sup> Street). Spray paint on blocks states, "No More Dumping" and "No Dumping!"		

