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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 16, 2011

Francisco S. Chavarria, Owner
Clovis Recycling
505 South Prince Street
Clovis, New Mexico 88101

RE: Industrial Storm Water, SIC 5093, NPDES Compliance Evaluation Inspection, Francisco Chavarria dba Clovis Recycling, NMU001726, March 2, 2011

Mr. Chavarria:

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:

Marcia Gail Adams (6EN-AS)
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 Mr. Jesus Chavarria's and Ms. Maria Chavarria's cooperation 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 Tates, 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 6 11 12 1 1 0 3 0 2 17 18 ~ 19 S 20 2					
Remarks					
S C R A P & W A S T E 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) Clovis Recycling, 505 South Prince Street, Clovis, New Mexico 88101. Southwest corner of South Prince Street and McDonald Street. Curry County	Entry Time /Date 1330 hrs / 03/02/2011	Permit Effective Date September 29, 2008
	Exit Time/Date 1455 hrs / 03/02/2011	Permit Expiration Date September 29, 2013
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Jesus Chavarria / Manager, Clovis Recycling / 575-762-2333 and fax 575-762-8823 Maria Chavarria / Office Assistant, Clovis Recycling / 575-762-2333 and fax 575-762-8823	Other Facility Data Latitude 34.393642° Longitude -103.196188°	
Name, Address of Responsible Official/Title/Phone and Fax Number Francisco S. Chavarria dba Clovis Recycling, 505 South Prince Street, Clovis, New Mexico 88101 / 575-762-2333 and fax 575-762-8823	MSGP Sector N / SIC 5093	
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
M	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) Francisco Chavarria dba Clovis Recycling, operator of a scrap recycling facility, did not obtain coverage under the USEPA NPDES 2008 industrial stormwater Multi-Sector General Permit (MSGP) by the deadline of January 5, 2009 or by the date of this inspection.
- 2) See attached further explanations and photo log.

Name(s) and Signature(s) of Inspector(s) Erin S. Trujillo /s/Erin S. Trujillo	Agency/Office/Telephone/Fax NMED/SWQB/505-827-0418	Date 03/16/2011
Signature of Management QA Reviewer Richard E. Powell /s/Richard E. Powell	Agency/Office/Phone and Fax Numbers NMED/SWQB/505-827-2798	Date 03/16/2011

Francisco Chavarria dba Clovis Recycling
Compliance Evaluation Inspection – Industrial Stormwater
NPDES Tracking No. NMU001726
March 2, 2011

Further Explanations

Introduction

On March 2, 2011, a Compliance Evaluation Inspection (CEI) was conducted at the Clovis Recycling facility, 505 South Prince Street, 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).

The facility has activities on site that meet the description in Category 40 CFR 122.26(b)(14)(vi), and Sector N (Scrap Recycling Facilities) of the MSGP. Stormwater discharges are to the City of Clovis small Municipal Separate Storm Sewer Systems (MS4s), thence to unclassified surface waters, thence to Blackwater Draw in the Brazos Headwaters Sub-basin, Texas-Gulf Basin tributary to the Brazos River in Texas.

Upon arrival at 1330 hours on March 2, 2011, the inspector made introductions, stated the purpose of the inspection and presented credentials to Mr. Jesus Chavarria, Manager, Clovis Recycling. The inspector and Mr. Jesus Chavarria toured the facility. Following the tour, an on-site exit interview to discuss preliminary findings was conducted with Mr. Jesus Chavarria and Ms. Maria Chavarria, who is Francisco S. Chavarria's wife and also works at the facility's office. A print out of USEPA's permit fact sheet, sector-specific requirements and industry series fact sheet was provided to the on-site operator representatives. The inspector left the facility at approximately 1455 hours on the day of the inspection. Additional information was obtained by telephone from Ms. Chavarria on March 15, 2011.

This report is based on review of EPA's on-line notice of intent (eNOI) database, files maintained by the operator and NMED, and on-site observation by NMED personnel, and verbal information provided by the on-site operator representative.

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."*

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. USEPA's MSGP was re-issued effective September 29, 2008 (Federal Register/Vol. 73, No. 189/Monday, September 29, 2008 pg. 56572) and replaced the 2000 MSGP which expired on October 30, 2005. USEPA's MSGP and additional information is available at:

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

USEPA's industrial fact sheet series for Sector N (Scrap Recycling Facilities), which is available at http://www.epa.gov/npdes/pubs/sector_n_scraprecycling.pdf, provides a brief summary of the NPDES industrial stormwater permitting program, the types of facilities included in that sector, a summary of typical pollutants associated with each sector, and types of stormwater control measures (best management practices or BMPs) used to minimize the discharge of those pollutants.

On-site Industrial Activity

Francisco Chavarria does business as (dba) Clovis Recycling. The business was not found on the New Mexico Public Regulation Commission corporation division query web site, but the facility is a registered recycling facility under the New Mexico Solid Waste Rules. On-site representative stated that the facility was previously Archie Iron & Metal and was operated by Francisco S. Chavarria as Clovis Recycling starting January 28, 2003.

On-site scrap recycling and waste recycling activities included processing, reclaiming, breaking up, sorting, automotive wrecking for scrap, and metal torch cutting. Various scrap iron; die cast steel; nonferrous metal scrap (e.g., aluminum, brass, copper, lead, manganese); scrap automotive radiators and batteries; and miscellaneous items were being processed for recycling at the facility. Other consumer products, like cardboard boxes and aluminum cans, were stored and recycled at the facility. Vehicle maintenance, including waste oil storage and fueling, was also conducted on site.

Some examples of typical pollutants associated with stockpiling and storage of materials, deterioration/corrosion of materials, material handling systems (forklifts, cranes), torch cutting and vehicle fueling include: PCBs, transmission and brake fluids, hydraulic fluids, oils, fuels and fuel additives, grease and other lubricants, oily wastes, accumulated particulate matter, heavy metals, metal fines, ionizing radioactive isotopes, antifreeze, benzene, chemical residue, asbestos, mercury, lead, and battery acid.

Findings

Francisco Chavarria, operator of a scrap recycling facility (Clovis Recycling), did not develop a SWPPP or submit a NOI to obtain authorization to discharge industrial stormwater under the USEPA NPDES MSGP. The deadline for submitting an NOI for the 2008 MSGP was January 5, 2009.

Some practices to control pollutants were observed at the facility that would minimize and prevent the discharge of pollutants in stormwater. Inbound recyclable and waste material was monitored for radioactive isotopes. Also, batteries were stored on impervious surfaces, raised off the floor with pallets, and separated from other scrap materials. Although the battery storage area was not in a storm-resistant structure, the structure had a top cover and the batteries were centrally located to minimize exposure to precipitation. Also, the southeast corner of the site was vegetated providing some erosion and sediment control.

However, good housekeeping practices, minimizing exposure, erosion and sediment control and management of runoff measures at the facility may not be stringent enough or properly maintained to minimize and prevent the discharge of pollutants in stormwater (see photo log for some examples). If not properly managed or minimized in accordance with the 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 Official Photograph Log Photo # 1		
Photographer: Erin Trujillo	Date: 03/02/2011	Time: 1402 Hours
City/County: Clovis / Curry County		State: New Mexico
Location: Clovis Recycling		
Subject: Fence along the northern property boundary provides some protection to minimize windblown trash from getting off site. However, arrow points to off-site sediment accumulation on McDonald Street.		



NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Erin Trujillo	Date: 03/02/2011	Time: 1411 Hours
City/County: Clovis / Curry County		State: New Mexico
Location: Clovis Recycling		
Subject: Spills and leaks on concrete and ground associated with on-site vehicle maintenance. Trash can was filled above the top of container. Although this area is covered, it is not protected from stormwater run on or subsequent runoff. During this inspection, it was noted that open containers and buckets containing waste oil had been moved and stored near the drum in background of photo. That drum was stored on pallet.		



NMED/SWQB Official Photograph Log Photo # 3		
Photographer: Erin Trujillo	Date: 03/02/2011	Time: 1414 Hours
City/County: Clovis / Curry County		State: New Mexico
Location: Clovis Recycling		
Subject: Spills and leaks on boards and ground near waste oil tank and at shop. Tank did not have secondary containment. Surrounding material storage would make it difficult to inspect tank's integrity (corrosion and leaks).		

Waste oil tank outside



NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Erin Trujillo	Date: 03/02/2011	Time: 1415 Hours
City/County: Clovis / Curry County		State: New Mexico
Location: Clovis Recycling		
Subject: Oil stains existed on wall behind tank shown in previous photo. Waste oil drums were stored on pallets. Arrow points to open bucket that was partially filled with what appeared to be waste oil sitting on top of drum.		

Waste oil tank outside shop and stains on exterior wall



NMED/SWQB Official Photograph Log Photo # 5		
Photographer: Erin Trujillo	Date: 03/02/2011	Time: 1417 hours
City/County: Clovis / Curry County		State: New Mexico
Location: Clovis Recycling		
Subject: Metal cutting was occurring on site during the inspection in this area. Bins or equivalent were not provided in this area to contain smaller metal fragments that were observed on ground.		



Smaller metal fragments on ground near cutting area

NMED/SWQB Official Photograph Log Photo # 6		
Photographer: Erin Trujillo	Date: 03/02/2011	Time: 1425 hours
City/County: Clovis / Curry County		State: New Mexico
Location: Clovis Recycling		
Subject: Metal barriers/fencing had been placed around fuel storage tank to protect the tank from vehicle traffic. Tank did not have secondary containment. Other storage tanks shown in photo were not used according to on-site operator representative.		



Active fuel storage tank

NMED/SWQB Official Photograph Log Photo # 7		
Photographer: Erin Trujillo	Date: 03/02/2011	Time: 1435 hours
City/County: Clovis / Curry County		State: New Mexico
Location: Clovis Recycling		
Subject: Example of scrap and waste storage area in southwest portion of site and high traffic area.		



NMED/SWQB Official Photograph Log Photo # 8		
Photographer: Erin Trujillo	Date: 03/02/2011	Time: 1439 hours
City/County: Clovis / Curry County		State: New Mexico
Location: Clovis Recycling		
Subject: Arrow points to example of gap at bottom of fence and erosion in northeast corner of facility. No erosion or sediment control measures were located along the north facility boundary fence.		

