



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

July 12, 2011

Mr. Matt Gully, President
FNF New Mexico, Inc.
115 South 48th Street
Tempe, AZ 85281

RE: Industrial Stormwater; SIC 2951, NPDES Compliance Evaluation Inspection; FNF New Mexico, Airport Hot Plant; NPDES Permit No. NMU001740; June 22, 2011

Dear Mr. Gully:

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 (Diana McDonald, USEPA (6EN-WM), 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 your cooperation and assistance during this inspection. If you have any questions about this inspection report, please contact me at (505) 827-1041.

Sincerely,
/s/ Sandra Gabaldón

Sandra Gabaldón
Surface Water Quality Bureau

Cc: Marcia Gail Adams, EPA, Enforcement Section (6EN-AS) by e-mail
Carol Peters-Wagnon, EPA (6EN-WM) by e-mail
Diana McDonald, EPA (6EN-WM) by e-mail
Samual Tates, EPA, (6W-AS) by e-mail
NMED District IV Manager by e-mail

NPDES Multi-Sector General Permit Compliance Evaluation Inspection
FNF New Mexico, Inc. – Airport Hot Plant
NPDES Tracking #NMU001740

Further Explanations

Introduction

On June 22, 2011, a Compliance Evaluation Inspection (CEI) was conducted by Sandra Gabaldón, New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) at the Airport Hot Plant site located in Ruidoso, New Mexico. The Hot Plant is operated by FNF New Mexico, Inc. The purpose of this inspection was to document the facility's status regarding the NPDES stormwater permit program and stormwater regulations at **40 Code of Federal Regulations Part 122.26**.

Upon arrival on June 22, 2011, the inspector made contact with Jim Hutchinson, Hot Plant Operator. Mr. Hutchinson contacted Mr. Dave Miller, Safety Coordinator and requested a copy of the SWPPP be brought to the site. Upon arrival to the site, introductions were made with Mr. Miller along with Mr. Robert Zook. The SWPPP provided did not address the Multi-Sector General Permit (MSGP) requirements. The SWPPP was created for the Construction General Permit (CGP) Permit tracking number NMR10GL66, Airport Processing Site.

The inspector presented her credentials and explained the purpose of the inspection. The inspector toured the site and took photographs with the permission of Mr. Hutchinson. The inspector conducted the exit conference to discuss preliminary findings with Mr. Miller and Mr. Zook at the site on the day of the inspection.

This report is based on a review of the EPA online notice of intent (eNOI) database, owner and Permittee websites, review of files maintained by the permittee and NMED, on-site observation by NMED personnel, and verbal information provided by the permittee's representatives.

Findings:

FNF New Mexico, Inc. previously applied for coverage under the CGP under permit number NMR10GLGG. However, the CGP requires under Part 1.A.3.b:

- A. *Allowable Stormwater Discharges*
Subject to compliance with the terms and conditions of this permit, you are authorized to discharge pollutants in:

3. *Discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:*

b. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports.

As of the date of this inspection, this facility did not have MSGP NPDES permit coverage. This asphalt hot plant has been used to provide materials for other projects in and around the Ruidoso area for the last two years. Although the operator did have CGP NMR10GL66 permit coverage for the project named "Airport Processing Site", it does not cover multiple projects. The hot plant operator stated that several other projects were being serviced by the asphalt hot plant. Because of this, this site is no longer considered "support activities" under the CGP and requires coverage under the MSGP, Sector D.

Section 301(a) of the Federal Water Pollution Control Act (aka 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."

A SWPPP is required to be maintained and onsite along with benchmark monitoring requirements, quarterly inspections, visual inspections and annual comprehensive site inspections. The operator had no documentation available.

A 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 stormwater 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 stormwater. A SWPP must contain a narrative evaluation of the appropriateness of stormwater management practices that divert, infiltrate, reuse, or otherwise manage stormwater 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, preventative maintenance, spill prevention and response procedures, periodic inspections, employee training, record keeping, nonstormwater evaluations and certifications, sediment and erosion control, as well as implementation/maintenance of traditional stormwater management practices, where appropriate. A combination of preventative and treatment BMPs will yield the most effective stormwater management for minimizing the offsite discharge of pollutants via stormwater runoff.

An exit interview to discuss the findings of this inspection was conducted on the date of the inspection, June 22, 2011 with Messrs. Miller and Zook to discuss the preliminary findings of this inspection.

NMED/SWQB
Official Photograph Log
Photo # 1

Photographer: Sandra Gabaldón	Date: June 22, 2011	Time: 0957
City/County: Ruidoso / Lincoln County		State: New Mexico
Location: Airport Hot Plant		
Subject: Airport Hot Plant Process Equipment		



NMED/SWQB
Official Photograph Log
Photo # 2

Photographer: Sandra Gabaldón	Date: June 22, 2011	Time: 0958
City/County: Ruidoso / Lincoln County		State: New Mexico
Location: Airport Hot Plant		
Subject: Northeast corner of property – Stockpile of raw material		



**NMED/SWQB
Official Photograph Log
Photo # 3**

Photographer: Sandra Gabaldón	Date: June 22, 2011	Time: 1000
City/County: Ruidoso / Lincoln County		State: New Mexico
Location: Airport Hot Plant		
Subject: Culverts leading to unnamed arroyo in the east corner of the property.		



**NMED/SWQB
Official Photograph Log
Photo #4**

Photographer: Sandra Gabaldón	Date: June 22, 2011	Time: 1000
City/County: Ruidoso / Lincoln County		State: New Mexico
Location: Airport Hot Plant		
Subject: Silt fencing below the culverts in the previous picture.		

