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DAVE MARTIN  
Secretary

RAJ SOLOMON, P.E.  
Deputy Secretary

**Certified Mail – Return Receipt Requested**

July 25, 2011

Geoff McMahon, President  
Morningstar Minerals Corporation  
P.O. Box 9  
Farmington, New Mexico 87499

**RE:** Industrial Storm Water, SIC 1499, NPDES Compliance Evaluation Inspection Morningstar Minerals Corporation / Humate Mill and Manufacturing Facility, Farmington, NMU001745, June 28, 2011

Dear Mr. McMahon,

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 you and your staff'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 Bates, EPA (6EN-AS) by e-mail  
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail  
Diana McDonald, USEPA (6EN-WM) by e-mail  
Jennifer Ickes, NMED District I Manager by e-mail  
Robby Wharton, Production Manager, Morningstar Minerals Corporation 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	4	5	11	12	1	1	0	6	2	8	17	18	~	19	S	20	2
Remarks																								
H U M A T E M I L L & M A N U F A C T U R I N G																								
Inspection Work Days						Facility Evaluation Rating						BI		QA		-----Reserved-----								
67						70						71		72		73								

#### Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) Morningstar Minerals Corporation, Humate Mill and Manufacturing Facility, #44 CR 3697, Farmington, New Mexico 87410. San Juan County	Entry Time /Date 1213 hours / 06/28/2011	Permit Effective Date September 29, 2008
	Exit Time/Date 1655 hours / 06/28/2011	Permit Expiration Date September 29, 2013
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Elizabeth C. Astwood, Admin Assistant/Secretary, Morningstar Minerals Corporation, 505-325-2485 Robby Wharton, Production Manager, Morningstar Minerals Corporation, 505-325-2485	Other Facility Data <b>Morningstar Mill Entrance</b> Latitude N. 36.769001°, Longitude W. -108.119634°	
Name, Address of Responsible Official/Title/Phone and Fax Number Geoff McMahon, Morningstar Minerals Corporation, 22 Road 3957, P.O. Box 9, Farmington, New Mexico 87499 / President / 505-325-2485 and fax 505-325-6269	Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
<b>SIC 1499 (Primary), SIC 2833, SIC 2879</b>		

#### 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
U	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
U	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) Morningstar Minerals Corporation did not obtain coverage under the USEPA NPDES industrial stormwater 2000 Multi-Sector General Permit (MSGP) which expired on October 30, 2005; the 2008 MSGP by the deadline of January 5, 2009; or by the date of this inspection. 2) A Stormwater Pollution Plan (SWPPP) dated in September 26, 2008 was prepared for previous construction activities on site. The plan was not complete (signed/certified) and did not meet the requirements of the 2000 or 2008 MSGP. The facility's SWPPP also did not document that permit coverage under USEPA Construction General Permit was obtained for construction activities starting in 2001 and ending in 2003. 3) Possible pollutants in stormwater from industrial activities on site could have the potential to discharge to the Animas River during storm events or flooding. 4) Following this inspection, Morningstar Minerals Corporation submitted a Notice of Intent (NOI), to obtain permit coverage on June 30, 2011 pending a 30-day waiting period (NPDES Tracking No. NMR05HG37). 5) It was noted that receiving water, impairment, subsectors, and co-located activities were not listed or correctly submitted on the facility's NOI. Appendix B.12.H states, "Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, you must promptly submit such facts or information." 6) See attached further explanations, checklist and photo log.

Name(s) and Signature(s) of Inspector(s) <b>Erin S. Trujillo /s/Erin S. Trujillo</b>	Agency/Office/Telephone/Fax <b>NMED/SWQB/505-827-0418</b>	Date <b>07/25/2011</b>
Signature of Management QA Reviewer <b>Richard E. Powell /s/Richard E. Powell</b>	Agency/Office/Phone and Fax Numbers <b>NMED/SWQB/505-827-2798</b>	Date <b>07/25/2011</b>

**Morningstar Minerals Corporation - Humate Mill and Manufacturing Facility**  
**NMU001745**  
**Compliance Evaluation Inspection – Industrial Stormwater**  
**June 28, 2011**

**Further Explanations**

**Introduction**

On June 28, 2011, Erin Trujillo of the New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) conducted a Compliance Evaluation Inspection (CEI) at the Morningstar Minerals Corporation's humate mill and manufacturing facility at #44 CR 3697, Farmington, New Mexico 87410 along the Animas River in San Juan County, New Mexico. The purpose of this inspection was to document the operator's status regarding the NPDES permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26(b)(14) and the industrial stormwater Multi-Sector General Permit (MSGP).

Morningstar Minerals Corporation (A Consolidated Star Company) is registered in the State of New Mexico for the stated purpose of processing minerals. The facility is on land owned by the Andrea Corporation. The facility has activities that meet the description of mineral industry in 40 CFR 122.26(b)(14) category (iii) (see Standard Industrial Classification (SIC) 1499 miscellaneous nonmetallic minerals, except fuels and Subsector J2 of the MSGP). Co-located activities on site for the manufacturing of organic compounds fulvic acid and humic acid and the manufacturing or formulating of agricultural soil conditioners from humate meet the descriptions in categories (ii) and (xi) light industry in 40 CFR 122.26(b)(14) (see SIC 2833 medicinal chemicals and botanical products and Subsector C5; and SIC 2879 pesticides and agricultural chemicals, not elsewhere classified and Subsector C1).

The inspector arrived at the Morningstar Minerals Corporation office, #22 CR 3957, Farmington, New Mexico, at approximately 1213 hours on the day of this inspection. The inspector made introductions, presented credentials and explained the purpose of the inspection to Elizabeth C. Astwood listed agent for the Morningstar Minerals Corporation and Andrea Corporation and Administrative Assistant/Secretary, Morningstar Minerals Corporation and upon his arrival Robby Wharton, Production Manager, Morningstar Minerals Corporation. The inspector and Mr. Wharton traveled to the mill and manufacturing site. The inspector explained the purpose of the inspections to Mr. Geoff McMahan, President, Morningstar Minerals Corporation and Andrea Corporation upon his arrival at approximately 1430 hours. Mr. McMahan was present during portions of this inspection. The inspector toured Morningstar Minerals Corporation operation areas with Mr. Wharton. Following the tour, an exit interview to discuss preliminary findings was conducted with Mr. Wharton. The inspector left the site at approximately 1655 hours on the day of this inspection.

This inspection report is based on information provided by the operator's on-site representatives; observations made by the NMED inspector; records and reports kept by the operator and NMED; surface water maps reviewed at the New Mexico Office of the State Engineers in Aztec, New Mexico; and readily available information on internet web sites including <http://www.msminerals.com>. The operator's manufacturing process for the extraction of fulvic minerals from humic substances is considered proprietary by the operator's on-site representatives. As confirmed by Mr. Wharton during the exit interview, no Confidential Business Information was obtained during this inspection.

Findings of a CEI for reverse osmosis (RO) backwash and cooling process water discharges at the facility was submitted under a separate EPA Form 3560 report for Morningstar Minerals Corporation (NPDES Tracking No. NMU001743). An inspection of the mineral supplement manufacturing and/or packaging activities at the Morningstar Minerals Corporation office at #22 CR 3957, Farmington, New Mexico was not conducted on the day of this inspection (see Morningstar Minerals Corporation No Exposure Waiver NPDES Tracking No. NMNOEHG40 submitted July 1, 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.”* Regulations in 40 Code of Federal Regulations (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 2000 MSGP was effective on October 30, 2000 and expired on October 30, 2005. On September 29, 2008, USEPA announced in the Federal Register publication of the final 2008 MSGP. To obtain permit coverage for stormwater discharges, an operator must complete a Stormwater Pollution Prevention Plan (SWPPP) that among other things documents eligibility for permit coverage under the MSGP, and submit a Notice of Intent (NOI). If eligible, operators may also submit a No Exposure Certification to USEPA once every five years. USEPA’s MSGP and guidance on how to develop a SWPPP that meets the requirements of the permit is available at:

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

USEPA’s industrial fact sheet series at <http://cfpub1.epa.gov/npdes/stormwater/swsectors.cfm> 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 for each industrial sector.

### **Possible Pollutants**

The term "humate" is used to describe humic acid-rich carbonaceous shale or claystone--the deposits of humate in New Mexico generally contain partly coalified plant fragments, and are ordinarily associated with coal (Source: J.W. Shomaker and W.L.Hiss, Humate Mining in Northwestern New Mexico, [http://nmgs.nmt.edu/publications/guidebooks/downloads/25/25\\_p0333\\_p0336.pdf](http://nmgs.nmt.edu/publications/guidebooks/downloads/25/25_p0333_p0336.pdf)). Pollutants associated with coal mine raw materials include Total Suspended Solids (TSS), Total Dissolved Solids (TDS), turbidity, pH, sulfates and iron (Source: Table H-1, Activities, Pollutant Sources, and Pollutants, Federal Register, Vol. 60, No. 189, Friday, September 28, 1995, Notices). Pollutants associated with on-site mineral processing or any future reclamation that may be required by State of New Mexico mining reclamation permits include dust, fines, TSS, TDS, and turbidity. Pollutants associated with on-site vehicle fueling and any light equipment or vehicle maintenance conducted on site include TSS, TDS, oil and grease, gasoline, diesel, acid, coolants. Pollutants from the stockpiling and storage of materials including deterioration or corrosion of materials can include metals. Lead-acid batteries were also stored in the equipment and material storage area on site.

### **Animas River**

Animas River from San Juan River to Estes Arroyo is in Segment 20.6.4.403 of the State of New Mexico Standards for Interstate and Intrastate Surface Waters, 20.6.4 New Mexico Administrative Code (NMAC). This segment includes the designated uses of public water supply, industrial water supply, irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life, primary contact and warmwater aquatic life. This segment of Animas River does not support marginal coldwater aquatic life. The listed probable causes of impairment include nutrient/eutrophication biological indicators.

Probable sources of impairment include: drought-related impacts, flow alterations from water diversions, municipal (urbanized high density area), municipal point source discharges, and streambank modifications/destabilization. Total maximum daily loads for Total Phosphorus and Total Nitrogen in the Animas River were approved by USEPA on August 26, 2005.

### **Potential Stormwater Discharges**

A berm was constructed at the facility between the humate mill and manufacturing activities and the Animas River on the north side of the property. Humate from runoff or dust was observed in the trench and irrigation lateral in the south-southwest and south-southeast portions of the site. Dark solids from humate dust or runoff was observed on adjacent property. Humate dust also coated vegetation. Off-site accumulation of humate from runoff or dust from this facility is not controlled (i.e., not documented that accumulation is by an established or recommended agricultural soil conditioner application rate). Stormwater enters a trench and irrigation lateral then offsite in the southwest and east portions of the site. Following the trench to the south-southwest and irrigation lateral to the east off site was not conducted as part of this inspection. However, possible pollutants in stormwater could have the potential to discharge to the Animas River during storm events or flooding.

## NPDES Industrial Storm Water Checklist (MSGP)

National Database Information			General	
Inspection Type	Compliance Evaluation		Inspector Name	Erin S. Trujillo
NPDES ID Number	NMU001745		Telephone	505-827-0418
Inspection Date	06/28/2011		Entry Time	1213 hours
Inspector Type <i>(circle one)</i>	EPA	<input type="checkbox"/> State	Exit Time	1655 hours
Facility Sector/ SIC/Activity Code	Sector J SIC 1499 and Sector C SIC 2833 and 2879		Signature	<i>/s/Erin S. Trujillo</i>

Facility Location Information				
Name/Location/ Mailing Address	Morningstar Minerals Corporation, Humate Mill and Manufacturing Facility, #44 CR 3697, Farmington, New Mexico 87410. San Juan County			
GPS Coordinates	Latitude	36.769001°	Longitude	108.119634°
Receiving Water(s)	Animas River from San Juan River to Estes Arroyo in Segment 20.6.4.403 NMAC			

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Morningstar Minerals Corporation	505-325-2485
Facility Contact	Robby Wharton, Production Manager	505-325-2485
Authorized Official(s)	Geoff McMahon, President	505-325-2485

Basic Permit Information			Basic SWPPP Information		
Permit Coverage	Y	<input type="checkbox"/> N	SWPPP Prepared & Available	<input checked="" type="checkbox"/> Y	N
Permit Type	<input checked="" type="checkbox"/> General	Individual	SWPPP Contents Satisfactory	Y	<input type="checkbox"/> N
Operational Date	August 2003		SWPPP Implementation Satisfactory	Y	<input type="checkbox"/> N
NOI/Application Date	No NOI		SWPPP Date	09/26/2008	
If applicable, is no exposure certification on file?	Y	N	<i>Intentionally left blank</i>		

## NPDES Industrial Storm Water Checklist (MSGP)

SWPPP Review			
General	Notes:		
Was the SWPPP completed prior to NOI submission?	Y	N	NOI not submitted on day of this inspection. SWPPP prepared by Robby Wharton, Morningstar Minerals Corporation was not updated/modified to address operation activities or 2008 MSGP requirements.
Copy of the NOI and acknowledgment letter from EPA?	Y	N	No NOI or acknowledgement letter on day of this inspection.
Copy of the permit language?	Y	<input checked="" type="checkbox"/>	
Have copies of inspection reports/all other documentation been retained as part of the SWPPP for 3 years from date permit coverage expires?	Y	N	No permit coverage on the day of this inspection.
Does the SWPPP contain a signed/certified statement indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii)? Applicable to: <ul style="list-style-type: none"> <li>• Routine facility inspection (4.1.3)</li> <li>• Quarterly visual assessment (4.2.3)</li> <li>• Benchmark monitoring (6.2.1.3).</li> </ul>	Y	N	Not applicable.
Does the SWPPP include copies of relevant parts of other documents (e.g., SPCC) referenced in the SWPPP?	Y	N	No references.
Does the SWPPP include documentation to support eligibility under the Endangered Species Act?	Y	<input checked="" type="checkbox"/>	Information in SWPPP did not document steps and procedures in Appendix E of 2008 MSGP.
Does the SWPPP include documentation to support eligibility under the Historic Preservation Act?	Y	<input checked="" type="checkbox"/>	Not an existing facility reapplying for certification under the 2008 MSGP. Information in SWPPP did not document eligibility; i.e., no further building or installing control measures including reclamation that would cause subsurface disturbance (see Appendix F of 2008 MSGP).
Does the SWPPP include documentation to support eligibility under NEPA (New Source)?	Y	N	Not applicable.
Did all "operators" sign/certify the SWPPP?	Y	<input checked="" type="checkbox"/>	
Is the storm water pollution prevention team identified (name or title)?	<input checked="" type="checkbox"/>	N	But, contacts names not updated.
Are the storm water pollution prevention team's responsibilities identified?	<input checked="" type="checkbox"/>	N	But, contacts and some responsibilities that would be applicable to operation activities not updated.

## NPDES Industrial Storm Water Checklist (MSGP)

<u>Site Description</u>			<u>Notes:</u>
SWPPP provides a description of the facility's industrial activities?	Y	<input type="checkbox"/> N	Milling and reverse osmosis wastewater listed, but manufacturing activities not described. A general description of the location of the site relative to major transportation routes was not included (see Part 8.J.6.1 of 2008 MSGP).
Is there a general location map (e.g., USGS quadrangle map) with enough detail to identify the location of the facility and all receiving waters for storm water discharges?	<input checked="" type="checkbox"/> Y	N	
Is there a site specific site map?	Y	<input type="checkbox"/> N	Site specific area of disturbance map dated 10/01/2008 did not include requirements in Part 5.1.2 as noted below and Part 8.J.6.2 of 2008 MSGP including outline of the drainage areas of each stormwater outfall within the facility with indications of the types of discharges from the drainage areas; outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemical storage areas; overburden, materials, soils, or waste storage areas; location of process water; and off-site points of discharge for process water.
Does the site map contain the size of the property in acres?	Y	<input type="checkbox"/> N	SWPPP stated site is 9.25 acres. Map only shows 7.66 acres disturbed. Area of berm not shown.
Does the site map contain the location and extent of significant structures and impervious surfaces?	Y	N	Y = Structures; N = Impervious Surfaces
Does the site map contain directions of storm water flow (indicated by arrows)?	Y	<input type="checkbox"/> N	
Does the site map contain locations of all existing structural control measures?	Y	<input type="checkbox"/> N	Berm and installation and removal of silt fence as described in SWPPP not shown.
Does the site map contain locations of all receiving waters in the immediate vicinity of the facility, indicating if any of the waters are impaired, and if so, whether the waters have TMDLs established for them?	Y	N	Y = Animas River; N = Impairment/TMDL
Does the site map contain locations of all storm water conveyances including ditches, pipes and swales?	Y	<input type="checkbox"/> N	
Does the site map contain locations of all potential pollutants and significant materials identified under Part 5.1.3.2?	Y	<input type="checkbox"/> N	
Does the site map contain locations where significant spills or leaks identified under Part 5.1.3.3 have occurred?	Y	N	No spills identified in SWPPP.
Does the site map contain locations of all storm water monitoring points?	Y	<input type="checkbox"/> N	Monitoring points not identified in SWPPP.

## NPDES Industrial Storm Water Checklist (MSGP)

Does the site map contain locations of storm water inlets and outfalls, with a unique identification (e.g., 001, 002) for each outfall and if substantially identical?	Y	<input type="checkbox"/> N	Outfalls (locations where the stormwater exits the facility, including pipes, ditches, swales, and other structures that transport stormwater) not identified in SWPPP.
Does the site map contain municipal separate storm sewers and where the facility discharges to them?	Y	N	Not applicable.
Does the site map contain locations and descriptions of all non-storm water discharges?	Y	<input type="checkbox"/> N	
Does the site map contain locations of the following activities where these activities are exposed to precipitation? <ul style="list-style-type: none"> <li>• Fueling stations <b>N</b></li> <li>• Vehicle and equipment maintenance and/or cleaning areas <b>N</b></li> <li>• Loading/unloading areas <b>N</b></li> <li>• Locations used for the treatment, storage or disposal of wastes <b>N</b></li> <li>• Liquid storage tanks <b>N</b></li> <li>• Processing and storage areas <b>N</b></li> <li>• Immediate access roads and rail lines used or travelled by carriers of raw materials, manufactured products, waste materials, or by-products used or created by the facility <b>Y (Access Road Easement)</b></li> <li>• Transfer areas for substances in bulk <b>N</b></li> <li>• Machinery <b>N</b></li> </ul>	Y	<input type="checkbox"/> N	
Does the site map contain locations and sources of run-on to the site from adjacent property that contains significant quantities of pollutants?	Y	<input type="checkbox"/> N	Not documented. Locations and sources of run-on from drinking water treatment plant to man-made ditch and/or trench not identified. It is unknown if run-on from adjacent property contains significant quantities of pollutants.
Does the SWPPP document areas at the facility where industrial materials or activities are exposed to storm water and from which allowable non-storm water discharges are released?	Y	<input type="checkbox"/> N	
Does the SWPPP include a list of the industrial activities exposed to storm water (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams)?	Y	<input type="checkbox"/> N	
Does the SWPPP include a list of pollutants and/or pollutant constituents associated with each identified activity?	Y	<input type="checkbox"/> N	Not complete. Humate sediment listed, but plan not updated for pollutants associated with operation activities (see further explanations and requirements in Part 8.J.6.3 of 2008 MSGP).
Does the SWPPP include documentation of where spills and leaks occurred for three years prior to the preparation of the SWPPP?	Y	<input type="checkbox"/> N	No documentation that there were ( <i>or were no</i> ) spills and leaks.

## NPDES Industrial Storm Water Checklist (MSGP)

Site Description		Notes:	
Does the SWPPP include a non-storm water discharge evaluation in the SWPPP? Does it include: <ul style="list-style-type: none"> <li>• Date <b>N</b></li> <li>• Description of evaluation criteria <b>N</b></li> <li>• List of the outfalls or onsite drainage points directly observed <b>N</b></li> <li>• Different types of non-storm water discharges and source locations <b>N</b></li> <li>• Actions taken such as a list of control measures for elimination. <b>N</b></li> </ul>	Y	<input type="checkbox"/> N	RO wastewater listed. But, no certification (see Parts 1.1.4 and 8.J.6.5; and prohibition of non-stormwater discharges in Part 8.C.2.1 of 2008 MSGP).
Does salt storage occur at this facility?	Y	<input type="checkbox"/> N	
Does the SWPPP include a summary of storm water sampling data for the previous permit term?	Y	N	No sampling data.
Controls to Reduce Pollutants		Notes:	
Does the SWPPP include documentation of the location and type of control measures at the facility to comply with the requirements in Part 2?	Y	<input type="checkbox"/> N	
Does the SWPPP include documentation that selection and design of control measures were based on a consideration of the practices and procedures in Part 2.1.1?	Y	<input type="checkbox"/> N	
Does the SWPPP include measures to minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings?	Y	<input type="checkbox"/> N	
Does the SWPPP include good housekeeping measures (e.g., keeping all exposed areas that are potential sources of pollutants clean, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers)?	<input checked="" type="checkbox"/> Y	N	SWPPP listed measures (keeping materials organized and proper place, clean up after each shift, use of storage cabinet, clean up all unnecessary bags) which would be applicable after construction during operation activities.

## NPDES Industrial Storm Water Checklist (MSGP)

<b>Controls to Reduce Pollutants</b>		<b>Notes:</b>
Does the SWPPP include a schedule for pickup and disposal of wastes and routine inspections of tanks and drums?	Y	<input checked="" type="checkbox"/> N No schedule for pickup. SWPPP stated inspections weekly and monthly; but, procedures for tanks and drum inspections not documented.
Does the SWPPP include preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, and back-up practices should a runoff event occur while a control measure is off-line?	Y	<input checked="" type="checkbox"/> N Preventative maintenance & inspection procedures not updated for operation activities.
Does the SWPPP include a schedule for preventative maintenance procedures?	Y	N N = Preventative maintenance; Y = Inspection (weekly and monthly).
Does the SWPPP include procedures for minimizing the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur?	Y	<input checked="" type="checkbox"/> N
Does the facility implement procedures for plainly labeling containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur?	Y	<input checked="" type="checkbox"/> N Not documented.
Does the facility implement preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling?	<input checked="" type="checkbox"/> Y	N But, not updated or complete. SWPPP listed some measures (e.g., storage of hazardous materials and oil) which would be applicable after construction during operation activities.
Does the facility implement procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases?	Y	<input checked="" type="checkbox"/> N Not documented.
Does the facility train employees who may cause, detect, or respond to a spill or leak in these procedures and have necessary spill response equipment available?	Y	<input checked="" type="checkbox"/> N Not documented. SWPPP stated training on general stormwater & BMP awareness for staff and detailed training for staff with specific responsibilities will be conducted. Employee training, required at least annually (see Parts 8.J.5.1) was not documented in SWPPP (see Part 8.J.6.4 of the 2008 MSGP).
Does the facility document and follow procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies?	Y	<input checked="" type="checkbox"/> N Not documented. SWPPP does not have written procedures or references to procedures.

## NPDES Industrial Storm Water Checklist (MSGP)

<b>Controls to Reduce Pollutants</b>		<b>Notes:</b>	
Does the SWPPP document erosion and sediment controls?	Y	<input checked="" type="checkbox"/> N	SWPPP listed berm, but did not describe location, dimensions, construction techniques or maintenance requirements.
Does the facility stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants?	Y	N	Y = Compaction of soils described. Berm along northern property boundary along Animas River. N = Structure or non-structure control measures for south-southeast and south-southwest boundaries (e.g., vegetative buffers) not described. Disturbance associated with berm construction or maintenance not stabilized.
Does the facility place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants?	Y	<input checked="" type="checkbox"/> N	
If the facility stores salt at this facility, are the piles enclosed or covered? Does the facility implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile?	Y	N	No salt storage.
Employee Training – is there a schedule for regular (at least annually) employee training?	Y	<input checked="" type="checkbox"/> N	
Does training cover both the specific control measures used to achieve the effluent limits in Part 2 and monitoring, inspection, planning, reporting, and documentation requirements in other parts of the permit?	Y	<input checked="" type="checkbox"/> N	Not documented.
Does the facility 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?	Y	<input checked="" type="checkbox"/> N	SWPPP described waste dumpster and clean up during construction, but plan not updated for operation activities (see implementation notes below).
Does the facility minimize generation of dust and off-site tracking of raw, final, or waste materials?	Y	N	Y = Off-site tracking; N = Dust
Has the facility eliminated non-storm water discharges not authorized by an NPDES permit?	Y	<input checked="" type="checkbox"/> N	

## NPDES Industrial Storm Water Checklist (MSGP)

### Notes on SWPPP Review

**Site Description:**

SWPPP described previous construction activity—estimated start date March 5, 2001 and completion date March 21, 2003. Storing of raw material (humate) at the mill started in approximately August of 2003 and humate processing started in 2005 according to the on-site representative.

Humate or humic substances from an off-site mine in the San Ysidro/Cuba area in New Mexico is milled and prepared (crushed, pulverized, or otherwise treated) on site. Humate milling occurs 1 to 2 days a year. The mill site includes an access road, humate stockpile storage areas, crushing equipment, equipment and material storage areas. Manufacturing and processing for the mineral supplements from the plant derived minerals is conducted inside an on-site building. Humate processed for agricultural use is also stockpiled on site.

<b>Inspections (Part 4)</b>		
<b>General</b>	<b>Notes:</b>	
<b>Routine Facility Inspections</b>		
Are routine facility inspections conducted at least quarterly while facility operating?	Y	<input checked="" type="checkbox"/> N
Weekly and monthly inspections discussed in SWPPP not documented (see Part 8.J.7 of the 2008 MSGP which states, "Sites which discharge to waters ...which are impaired for sediment or nitrogen must be inspected monthly").		
Are inspections documented, including: <ul style="list-style-type: none"> <li>• Date and time</li> <li>• Name and signature of inspector</li> <li>• Weather information and a description of discharge occurring at the time of the inspection</li> <li>• Previously unidentified discharges from site</li> <li>• Control measures needing maintenance or repairs</li> <li>• Failed control measures that need replacement</li> <li>• Incidents of noncompliance observed</li> <li>• Additional control measures needed.</li> </ul>	Y	N
See above.		
Exceptions, including (see 4.1.3): <ul style="list-style-type: none"> <li>• Inactive and unstaffed sites</li> </ul>	Y	N
Not applicable.		
<b>Quarterly Visual Assessment</b>		
Are quarterly visual assessments conducted?	Y	<input checked="" type="checkbox"/> N
No permit coverage on day of inspection. Visual assessment not documented.		
Does the assessment consist of a sample collected: <ul style="list-style-type: none"> <li>• Within the first 30 minutes of discharge</li> <li>• On discharges that occur at least 72 hours (3 days) from the previous discharge</li> <li>• Collected in a clean, clear glass or plastic container.</li> </ul>	Y	N
See above.		

Inspections			
Are assessments documented, including: <ul style="list-style-type: none"> <li>• Sample location</li> <li>• Sample collection date/time &amp; visual assessment date/time</li> <li>• Personnel collecting sample &amp; performing assessment and their signature</li> <li>• Nature of the discharge (runoff or snowmelt)</li> <li>• Results of observations (including color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen and other obvious indicators)</li> <li>• Probable sources of contamination</li> <li>• If applicable, reason for not taking samples within 1<sup>st</sup> 30 minutes.</li> </ul>	Y	N	See above.
Exceptions, including (see 4.2.3): <ul style="list-style-type: none"> <li>• Adverse weather conditions</li> <li>• Climates with irregular storm water runoff</li> <li>• Areas subject to snow</li> <li>• Substantially identical outfalls (per 5.1.5.2)</li> <li>• Inactive and unstaffed sites.</li> </ul>	Y	N	See above.
<b>Comprehensive Site Inspections</b>			.
Are comprehensive site inspections conducted annually (start 9/29/08)?	Y	<input checked="" type="checkbox"/> N	No permit coverage on day of inspection. No comprehensive site inspection documented.
Conducted by qualified personnel including at least one member of the storm water pollution prevention team?	Y	N	See above.
Cover all areas of the facility?	Y	N	See above.
Include a review of monitoring data? Do inspectors consider the results of the past year's visual and analytical monitoring when planning and conducting inspections?	Y	N	See above.

Inspections			
<p>Include observations of the following:</p> <ul style="list-style-type: none"> <li>• Industrial materials, residue, or trash that may have or could come into contact with storm water</li> <li>• Leaks or spills from industrial equipment, drums, tanks, and other containers</li> <li>• Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site</li> <li>• Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas</li> <li>• Control measures needing replacement, maintenance, or repair</li> <li>• All storm water control measures observed.</li> </ul>	Y	N	See above.
<p>Are inspections documented, including:</p> <ul style="list-style-type: none"> <li>• Date of inspection</li> <li>• Names and titles of personnel making the inspection</li> <li>• Findings from examination of areas of facility from Part 4.3.1</li> <li>• All observations relating to implementation of control measures</li> <li>• Any required revisions to the SWPPP resulting from inspection</li> <li>• Any incidents of noncompliance identified OR certification that facility is in compliance with the permit</li> <li>• A statement signed in accordance with Appendix B, Subsection 11</li> </ul>	Y	N	See above.

<b>Monitoring (Part 6)</b>			
<u>General</u>	<b>Notes:</b>		
Does the SWPPP contain a procedure for conducting sector (and co-located) specific benchmark monitoring?	Y	<input checked="" type="checkbox"/> N	Benchmark monitoring for Subsector J2. Nonmetallic Minerals (SIC 1499) includes the parameter Total Suspended Solids (TSS) and concentration of 100 mg/L. Benchmark monitoring for Subsector C1 Agricultural Chemicals (SIC 2873-2879) includes the parameters Nitrate plus Nitrite Nitrogen (0.68 mg/L), Total Lead, Total Iron (1.0 mg/L), Total Zinc, and Phosphorus (2.0 mg/L). Benchmark monitoring concentrations for Total Lead and Total Zinc are hardness dependent.
Does the SWPPP contain procedures for conducting effluent limitations guidelines monitoring?	Y	N	Not applicable – No effluent limitations
Does the SWPPP contain a procedure for other monitoring (state or tribal specific; impaired waters; other as required)	Y	N	No permit coverage on day of this inspection. EPA approval pending.
Are samples analyzed in accordance with 40 CFR Part 136 methods?	Y	N	No monitoring
<b>Benchmark Monitoring</b>			
Does the monitoring consist of a sample collected: <ul style="list-style-type: none"> <li>• Within the first 30 minutes of discharge</li> <li>• On discharges that occur at least 72 hours (3 days) from the previous discharge</li> <li>• Document the date and duration (in hours) of the rainfall event, rainfall total (snow - date only) for that rainfall</li> <li>• Prior to commingling.</li> </ul>	Y	N	No permit coverage on the day of this inspection. No analytical monitoring.
Is monitoring conducted during each of the first four full quarterly (calendar) monitoring periods following permit coverage?	Y	N	See above.
Is the average of the first four quarterly samples < the parameter benchmark?	Y	N	See above.

<b>Monitoring</b>			
Is the average of the first four quarterly samples > the parameter benchmark? <ul style="list-style-type: none"> <li>• Make the necessary modifications</li> <li>• Continue quarterly monitoring</li> <li>• Determine and document that no further pollutant reductions are technologically available and economically practicable and achievable, continue monitoring once per year, notify EPA</li> <li>• Natural background pollutant level documentation</li> </ul>	Y	N	See above.
Exceptions, including (see 6.1 & 6.2): <ul style="list-style-type: none"> <li>• Adverse weather conditions</li> <li>• Climates with irregular storm water runoff</li> <li>• Snowmelt</li> <li>• Substantially identical outfalls (per 5.1.5.2)</li> <li>• Inactive and unstaffed sites.</li> </ul>	Y	N	See above.
<b>Effluent Limitations Monitoring</b>			
Sampled once per year?	Y	N	Not applicable - No effluent limitations
Follow-up requirements if discharge exceeds effluent limit (see 6.3)?	Y	N	Not applicable - No effluent limitations
<b>Other Required Monitoring</b>			
<ul style="list-style-type: none"> <li>• State or Tribal provisions</li> <li>• Discharges to impaired waters</li> <li>• Additional monitoring required by EPA.</li> </ul>	Y	N	No permit coverage on day of inspection. EPA approval pending.
<b>Reporting (Part 7)</b>			
<b>General</b>		<b>Notes:</b>	
Is monitoring data reported to EPA within 30 days of receiving analytical results for the monitoring period?	Y	<input checked="" type="checkbox"/> N	No permit coverage on day of inspection. No monitoring data
Is the annual report submitted by 45 days after conducting the comprehensive site inspection?	Y	<input checked="" type="checkbox"/> N	No permit coverage on day of inspection. No annual report submitted.
If follow-up effluent limitations monitoring results exceed numeric limits, was a report submitted to EPA no later than 30 days after results were received?	Y	N	Not applicable-no effluent limitations.

SWPPP Implementation	
<p><b>Measures to minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff</b></p>	<p><i>(e.g., use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away; locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems; clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants; use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible; use spill/overflow protection equipment; drain fluids from equipment and vehicles prior to on-site storage or disposal; perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and ensure that all washwater drains to a proper collection system)</i></p> <p>A wide earth berm (~15 feet) was constructed at the facility between the humate mill and manufacturing activities and the Animas River on the north side of the property. No structure control measures were constructed on the southeast and southwest boundaries of the property.</p> <p>Some, but not all materials were stored on wood pallets. Some material storage and activities are stored or performed under cover, but not all materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt and/or run.</p>
<p><b>Good Housekeeping</b></p>	<p><i>(e.g., keeping all exposed areas that are potential sources of pollutants clean, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers)</i></p> <p>Housekeeping was not sufficient to keep humate and storage bags out of trench. Outside storage of materials was not orderly. Outside materials and material storage areas were not labeled.</p>
<p><b>Preventative maintenance</b></p>	<p><i>(e.g., regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, and back-up practices should a runoff event occur while a control measure is off-line)</i></p> <p>No preventative maintenance inspections documented.</p>

<b>SWPPP Implementation</b>	
<b>Spill Prevention and Response</b>	<p><i>(e.g., minimizing the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur)</i></p> <p>Above-ground fuel storage tank was not protected from vehicle traffic by barrier. No written plans for response to spills contained in SWPPP. Humate covered much of the site which limits observations of stains, leaks or spills from other material storage or equipment.</p>
<b>Erosion and Sediment Controls</b>	<p><i>(e.g., stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, flow velocity dissipation devices at discharge locations and within outfall channels)</i></p> <p>Berm was not stabilized. However, there were no erosion rills or gullies observed along the berm. No flow velocity dissipation devices were observed at the irrigation lateral. RO backwash flow first entered an adjacent pit/pond which would dissipate flow. No additional velocity dissipation devices were observed at the culvert from the pit/pond to the trench (outfall channel).</p>
<b>Management of Runoff</b>	<p><i>(e.g., divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in discharges)</i></p> <p>A berm was constructed at the facility between the humate mill and manufacturing activities along the Animas River on the north side of the property. A majority of the south-southeast and south-southwest site boundaries had a vegetative buffer between material storage activities and a constructed trench and lateral. No substantial erosion rills or gullies were observed in vegetative buffer, but buffer was not sufficient to contain humate. Humate from runoff or dust was observed in the trench and irrigation lateral that flows offsite.</p>
<b>Salt Storage Piles</b>	<p><i>(e.g., enclose or cover piles appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile)</i></p> <p>No salt storage.</p>

<b>SWPPP Implementation</b>	
<b>Waste, Garbage and Floatable Debris</b>	<p><i>(e.g., keep exposed areas free of such materials or by intercepting them before they are discharged)</i></p> <p>Material bags were observed along southeast and southwest property boundaries and in trench (outfall channel).</p>
<b>Evidence of non-storm water discharges</b>	<p>Yes (see further explanations).</p>
<b>Dust Generation and Vehicle Tracking of Industrial Materials</b>	<p><i>(minimize generation of dust and off-site tracking of raw, final, or waste materials)</i></p> <p>No off-site tracking from vehicles was observed. However, windblown humate dust was on adjacent vegetation and ground.</p>

## **Notes on SWPPP Implementation and Sector Specific Requirements**

**List and describe structural controls** *(The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications)*

Selection, design, installation, and implementation of additional stormwater controls and stabilization (including any reclamation) were not described in SWPPP. For example, Part 8.J.5.2 Stormwater Controls of the 2008 MSGP states, "Apart from the control measures you implement to meet your Part 2 effluent limits, where necessary to minimize pollutant discharges, implement the following control measures at your site. The potential pollutants identified in Part 8.J.5.3 shall determine the priority and appropriateness of the control measures selected. 8.J.5.2.1 Stormwater Diversions: Consider diverting stormwater away from potential pollutant sources. Following are some control measure options: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents. 8.J.5.2.2 Capping: When capping is necessary to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap. 8.J.5.2.3 Treatment: If treatment of stormwater (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of stormwater runoff is encouraged."

**NMED/SWQB  
Official Photograph Log  
Photo # 1**

Photographer: Erin S. Trujillo	Date: 06/28/2011	Time: 1329 hours
City/County: Farmington / San Juan County	State: New Mexico	
Location: Morningstar Minerals Corporation Mill and Manufacturing Facility		
Subject: Mill's agricultural soil conditioner storage area shown in background. Vegetative buffer was not sufficient to prevent humate from entering trench from dust/runoff. Humate storage bags also observed in trench.		



**NMED/SWQB  
Official Photograph Log  
Photo # 2**

Photographer: Erin S. Trujillo	Date: 06/28/2011	Time: 1406 hours
City/County: Farmington / San Juan County	State: New Mexico	
Location: Morningstar Minerals Corporation Mill and Manufacturing Facility		
Subject: Trench along mill's storage area boundary. Black solids in trench is humate from dust/runoff. Humate storage bags also observed in trench.		



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

Photographer: Erin S. Trujillo	Date: 06/28/2011	Time: 1536 hours
City/County: Farmington / San Juan County	State: New Mexico	
Location: Morningstar Minerals Corporation Mill and Manufacturing Facility		
Subject: Example of equipment and material storage area. Waste dumpster was on site. Drums and containers in this photo were stored on pallet.		



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

Photographer: Erin S. Trujillo	Date: 06/28/2011	Time: 1548 hours
City/County: Farmington / San Juan County	State: New Mexico	
Location: Morningstar Minerals Corporation Mill and Manufacturing Facility		
Subject: Lead batteries stored on pallets, but not in storm resistant shelter.		



NMED/SWQB  
Official Photograph Log  
Photo # 5

Photographer: Erin S. Trujillo	Date: 06/28/2011	Time: 1556 hours
City/County: Farmington / San Juan County	State: New Mexico	
Location: Morningstar Minerals Corporation Mill and Manufacturing Facility		
Subject: Dark solids observed on adjacent property. Cattails in foreground of photo are along an irrigation lateral that runs along the south-southeast property boundary.		



NMED/SWQB  
Official Photograph Log  
Photo # 6

Photographer: Erin S. Trujillo	Date: 06/28/2011	Time: 1614 hours
City/County: Farmington / San Juan County	State: New Mexico	
Location: Morningstar Minerals Corporation Mill and Manufacturing Facility		
Subject: Example of humate on ground and coating surfaces.		



**NMED/SWQB  
Official Photograph Log  
Photo # 7**

Photographer: Erin S. Trujillo	Date: 06/28/2011	Time: 1611 hours
City/County: Farmington / San Juan County		State: New Mexico
Location: Morningstar Minerals Corporation Mill and Manufacturing Facility		
Subject: Material storage in this processing area is only partially covered/protected.		



**NMED/SWQB  
Official Photograph Log  
Photo # 8**

Photographer: Erin S. Trujillo	Date: 06/28/2011	Time: 1622 hours
City/County: Farmington / San Juan County		State: New Mexico
Location: Morningstar Minerals Corporation Mill and Manufacturing Facility		
Subject: Berm between facility and Animas Valley intake/gallery pond along Animas River.		



NMED/SWQB  
Official Photograph Log  
Photo # 8

Photographer: Erin S. Trujillo	Date: 06/28/2011	Time: 1622 hours
City/County: Farmington / San Juan County	State: New Mexico	
Location: Morningstar Minerals Corporation Mill and Manufacturing Facility		
Subject: Berm between agricultural soil conditioner storage area (left side of photo) and Animas River (not shown).		



NMED/SWQB  
Official Photograph Log  
Photo # 9

Photographer: Erin S. Trujillo	Date: 06/28/2011	Time: 1639 hours
City/County: Farmington / San Juan County	State: New Mexico	
Location: Morningstar Minerals Corporation Mill and Manufacturing Facility		
Subject: Outside storage of materials and equipment both under covered and not. Spilled humate observed on paved surface.		



**NMED/SWQB  
Official Photograph Log  
Photo # 10**

Photographer: Erin S. Trujillo	Date: 06/28/2011	Time: 1641 hours
City/County: Farmington / San Juan County		State: New Mexico
Location: Morningstar Minerals Corporation Mill and Manufacturing Facility		
Subject: Tracking shown in this photo was not observed on access road off site. No barriers between fuel storage and traffic area. No secondary containment for fuel tank in the event of spill or leaks.		



**NMED/SWQB  
Official Photograph Log  
Photo # 11**

Photographer: Erin S. Trujillo	Date: 06/28/2011	Time: 1632 hours
City/County: Farmington / San Juan County		State: New Mexico
Location: Morningstar Minerals Corporation Mill and Manufacturing Facility		
Subject: Looking west/southwest at standing water in trench shown in Photo 1 at property boundary.		

