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DAVE MARKLIN
Secretary

BUTCH TONGATE
Acting Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 29, 2011

Mr. Neil Segotta, Mayor
P.O. Box 910
Raton, NM 87740

Re: Industrial Storm Water; SIC 4953; NPDES Compliance Evaluation Inspection; City of Raton Landfill; NMU001758; August 9, 2011

Dear Mr. Segotta,

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>.

If you have any questions about this inspection report, please contact me at (505) 827-2575.

Sincerely,

/s/Daniel Valenta

Daniel Valenta
Environmental Scientist/Specialist
Surface Water Quality Bureau

cc: Marcia Adams, USEPA (6EN-AS) by e-mail
Samuel Tate, USEPA (6SF) by e-mail
Carol Peters-Wagon, USEPA (6EN-WM) by e-mail

Diana McDonald, USEPA (6EN-WM) by e-mail
NMED District II, by e-mail

**Compliance Evaluation Inspection
Raton City Landfill
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Further Explanations

Introduction

On August 9, 2011, a Compliance Evaluation Inspection was conducted at the Raton City Landfill (Standard Industrial Classification 4953, Activity Code LF) located 2 miles southwest of Raton, New Mexico by Daniel Valenta of the State of New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB). The purpose of this inspection was to document the operator's status regarding the NPDES multi-sector general storm water permit (MSGP) for industrial activities (this facility has industrial activities being conducted on-site that meet the description of industrial activities in Sector L) and stormwater regulations at 40 Code of Federal Regulations (CFR) Part 122.26.

This facility is a municipal solid waste landfill that also accepts industrial, and construction debris for final disposal. Stormwater runoff from this facility may discharge into an unnamed arroyo on the east side of the facility that drains into Raton Creek or into Raton Creek on the west side of the facility. Raton creek thence to Chicorica creek thence to the Canadian River, segment 20.6.4.305 of the *State of New Mexico Standards for Interstate and Intrastate Surface Waters, 20.6.4 New Mexico Administrative Code (NMAC)*, of the Canadian River Basin. The designated uses are irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact. **Raton Creek, pending approval, will have a Total Maximum Daily Load (TMDL) for E-coli, and plant nutrients.**

At 1400 hours on August 9, 2011, the inspector arrived at the City of Raton Landfill. Mr. Will Cortez, Heavy Equipment Operator, was contacted by phone. Directions were acquired from Mr. Cortez where to meet with Mr. Jerry Aragon, Solid Waste Manager. The Inspector traveled to the City of Raton Municipal building where he met with Mr. Aragon in his office. The Inspector made introductions, presented credentials and explained the purpose of the inspection. A brief exit interview to discuss preliminary findings was conducted with Mr. Aragon at his office, the inspection ended at 1525 hours on August 9, 2011. This report is based on a review of the files maintained by the permittee and NMED, on-site observation by NMED personnel and verbal information provided by Messrs Cortez and Aragon.

Findings:

The wastes which are disposed of in Municipal Solid Waste Landfills (MSWLF) are highly variable. Examples include household waste (including household hazardous waste which is excluded from RCRA hazardous waste regulation), nonhazardous incinerator ashes, commercial wastes, yard wastes, tires, white goods, construction wastes, municipal and industrial sludges, asbestos, and other industrial wastes. Only a small percentage of all wastes disposed of in MSWLFs are industrial wastes.

In 1988, EPA's Report to Congress on solid waste generation indicated that nearly 90 percent of wastes disposed of in all MSWLFs were household or commercial (office) wastes. Industrial process wastes represented only 2.73 percent of the total waste stream (although most MSWLFs currently or have previously accepted industrial wastes and are therefore subject to storm water permitting requirements).

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Therefore, once a Municipal Landfill accepts industrial waste it is subject to storm water permitting requirements. For active landfill areas, these plans should be tailored toward minimizing contact of storm water with waste materials. The plans should also include design and implementation of best management practices and/or treatment methods to control the pollutants likely to be found in runoff at the site. For the active portion of the landfill, this section also requires quarterly monitoring for Total Suspended Solids (TSS) and total recoverable iron to quantify the performance of BMPs/treatment measures should a discharge occur. If discharges occur there is a reasonable potential for runoff to contact waste materials. In these areas, runoff may also become commingled with leachate. In addition, TSS levels are also likely to be elevated where contact occurs with wastes, disturbed areas, and daily/ intermediate cover materials.

This landfill is a non-hazardous waste landfill as defined in 40 CFR Part 445, Subpart B and is therefore subject to the numeric effluent limitations discussed in Table 8.L-1-2 of the permit. Effluent limitations sampling had not been conducted at the time of the inspection, however, the facility staff should be aware that this sampling must be conducted if there is runoff of contaminated storm water. The operator is required to prepare a SWPPP and implement best management practices (BMPs) in order to reduce pollutants in stormwater discharges from the facility. The facility representative did not appear to have knowledge of the NPDES permit program or the required SWPPP.

The facility does not have permit coverage. The facility has not prepared the required documents to file for and receive a permit or conducted the required inspections.

The Landfill is scheduled to close shortly according to Mr. Aragon. In reviewing the site the majority of the area has been covered with only a small portion still being used. Used tires were present but the area appeared ordered and supervised, (see photo 1).

1. Permit Requirements: Requirement to obtain a permit

- *Section 301 (a) of the Federal Water Pollution Control Act (a.k.a. Clean Water Act) states that “Except as in compliance with this section and sections 302, 206, 207, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.”*
- *40 Code of Federal Regulations Part 122.21 (a) Duty of 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.*
- *In Part 1.3.1 of the MSGP, it states, “To obtain authorization under this permit, you must: Meet the eligibility requirements, submit a complete and accurate Notice of Intent (NOI) either using EPA’s electronic Notice of Intent system or using a paper form...and Develop a Stormwater Pollution Prevention Plan (SWPPP) according to the requirements of part 5 of this permit.*

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2. Per Table 1.2 NOI Submittal Deadlines/Discharge Authorization Dates

Table 1-2. NOI Submittal Deadlines/Discharge Authorization Dates		
Category	NOI Submission Deadline	Discharge Authorization Date
<u>Existing Dischargers</u> – in operation as of October 30, 2005 and authorized for coverage under MSGP 2000.	No later than January 5, 2009.	30 days after EPA posts your NOI. Your authorization under the MSGP 2000 is automatically continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.
<u>New Dischargers or New Sources</u> - have commenced discharging between October 30, 2005 and January 5, 2009.	As soon as possible but no later than January 5, 2009.	30 days after EPA posts your NOI.
<u>New Dischargers or New Sources</u> - commence discharging after January 5, 2009.	A minimum of 60 days prior to commencing discharge, or a minimum of 30 days if your SWPPP is posted on the Internet during this period and the Internet address (i.e., URL) to your SWPPP is provided on the NOI form.	If you post your SWPPP on the Internet, 30 days after EPA posts your NOI. Otherwise, 60 days after EPA posts your NOI.
<u>New Owner/Operator of Existing Discharger</u> - transfer of ownership and/or operation of a facility whose discharge is authorized under this permit	A minimum of 30 days prior to date that the transfer will take place to the new owner/operator.	30 days after EPA posts your NOI.
<u>Other Eligible Dischargers</u> - in operation prior to October 30, 2005, but not covered under the MSGP 2000 or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.	If you post your SWPPP on the Internet, 30 days after EPA posts your NOI. Otherwise, 60 days after EPA posts your NOI.

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The SWPPP should include the following:

- Identification of the staff pollution prevention members (by name and title).
 - A list of industrial activities at your site.
 - A description of all potential pollutant sources.
 - A general location map that includes the location of your facility and receiving waters to which your facility discharges.
 - A site map to include the size of the property in acres, the location and extent of significant structures and impervious surfaces, directions of stormwater flow, locations of all existing structural control measures, locations of all receiving waters in the immediate vicinity of your facility, location of all stormwater conveyances including ditches, pipes and swales, location of potential pollutant sources identified, locations where significant spills or leaks have occurred, location of all stormwater monitoring points, location of stormwater inlets and outfalls with unique identification codes for each outfall, locations and descriptions of all non-stormwater discharges, locations of fueling stations, vehicle and equipment maintenance, loading and unloading areas, location used for treatment or disposal of wastes, liquid storage tanks, processing and storage areas, access roads, machinery, and locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.
-
- Description of structural controls/practices
 - Good housekeeping practices
 - Maintenance
 - Spill prevention and Response procedures
 - Erosion and sediment controls
 - Management of run-on
 - Sector specific requirements (Sector L)
 - Employee Training
 - Non-stormwater discharges
 - Waste, garbage and floatable debris
 - Dust generation and vehicle tracking of industrial materials
 - All inspection reports
 - Copy of the NOI
 - Copy of the permit

**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 8/9/11	Time: 1402 hours
City/County: Southeast of Raton, NM	Colfax County	
Location: City of Raton Landfill, Armstrong Lane/Colfax 22, facing south.		
Subject: At entrance to landfill, facing portion of site still active.		

