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ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

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DAVE MARKLIN
Secretary

BUTCH TONGATE
Acting Deputy Secretary

Certified Mail - Return Receipt Requested

September 1, 2011

Patricia Perovich, Owner
Northern Mountain Constructors, LLC
P.O. Box 348
El Prado, New Mexico 87529

RE: Industrial Stormwater; SIC 1441; NPDES Compliance Evaluation Inspection; Northern Mountain Constructors, LLC; NPDES Permit No. NMU001761; August 9, 2011

Dear Patricia Perovich:

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) 827-2575.

Sincerely,

Daniel Valenta
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 Tate, EPA, (6W-AS) by e-mail
NMED District II 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 <input type="text" value="N"/> 2 <input type="text" value="5"/> 3 <input type="text" value="N"/> <input type="text" value="M"/> <input type="text" value="U"/> 4 <input type="text" value="0"/> <input type="text" value="0"/> 5 <input type="text" value="1"/> 6 <input type="text" value="7"/> 7 <input type="text" value="6"/> 8 <input type="text" value="1"/> 9 10 11 12 <input type="text" value="1"/> <input type="text" value="1"/> <input type="text" value="0"/> <input type="text" value="8"/> <input type="text" value="0"/> <input type="text" value="9"/> 13 14 15 16 17 18 <input type="text" value="~"/> 19 <input type="text" value="S"/> 20 <input type="text" value="2"/>					
Remarks <input type="text" value="C"/> <input type="text" value="O"/> <input type="text" value="N"/> <input type="text" value="S"/> <input type="text" value="T"/> <input type="text" value="R"/> <input type="text" value="U"/> <input type="text" value="C"/> <input type="text" value="T"/> <input type="text" value="I"/> <input type="text" value="O"/> <input type="text" value="N"/> <input type="text" value="S"/> <input type="text" value="A"/> <input type="text" value="N"/> <input type="text" value="D"/> <input type="text" value="G"/> <input type="text" value="R"/> <input type="text" value="A"/> <input type="text" value="V"/> <input type="text" value="E"/> <input type="text" value="L"/>					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 <input type="text"/> <input type="text"/> <input type="text"/> 69	70 <input type="text" value="2"/>	71 <input type="text" value="N"/>	72 <input type="text" value="N"/>	73 <input type="text"/>	74 <input type="text"/>
				75 <input type="text"/>	80 <input type="text"/>

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 1005 Hours / 08-9-2011	Permit Effective Date 9-29-2008
Northern Mountain Constructors, LLC From the intersection of Hwy 64 and Hwy 38 Eagle Nest, NM, go north on 38 for one mile. COLFAX COUNTY	Exit Time/Date 1110/ 08-9-2011	Permit Expiration Date 9-29-2013
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data	
Wayne Frasier/ Site Manager/575-741-1972 fax 575-758-4395	N. 36° 34' 0.58" W. -105° 16' 2.81"	
Name, Address of Responsible Official/Title/Phone and Fax Number	SIC 1442 Sector J	
Mr. Patricia Perovich, 25021 Hwy 64, El Prado, NM 87529/Owner/575-758-4395	Contacted Yes <input type="checkbox"/> No <input type="checkbox"/> *	

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

<input type="text" value="U"/>	Permit	<input type="text" value="N"/>	Flow Measurement	<input type="text" value="N"/>	Operations & Maintenance	<input type="text" value="N"/>	CSO/SSO
<input type="text" value="U"/>	Records/Reports	<input type="text" value="U"/>	Self-Monitoring Program	<input type="text" value="N"/>	Sludge Handling/Disposal	<input type="text" value="N"/>	Pollution Prevention
<input type="text" value="M"/>	Facility Site Review	<input type="text" value="N"/>	Compliance Schedules	<input type="text" value="N"/>	Pretreatment	<input type="text" value="N"/>	Multimedia
<input type="text" value="N"/>	Effluent/Receiving Waters	<input type="text" value="N"/>	Laboratory	<input type="text" value="U"/>	Storm Water	<input type="text" value="N"/>	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. PLEASE SEE FURTHER EXPLANATIONS FOR DETAILS

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
DANIEL VALENTA /s/Daniel Valenta	NMED/SWQB 505-827-2575	9/1/2011
Signature of Management QA Reviewer	Agency/Office/Phone and Fax Numbers	Date
RICHARD E. POWELL /s/Richard Powell	505-827-2798	9/1/2011

**Compliance Evaluation Inspection
Northern Mountain Constructions
August 9, 2011
NMU001761**

Further Explanations

Introduction

On August 9, 2011, Daniel Valenta of the New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) conducted a Compliance Evaluation Inspection (CEI) at the Valley Materials Pit located on State Hwy 38 approximately one mile north of the intersection with State Hwy 64. The purpose of this inspection was to document the facility's status regarding the National Pollution Discharge Elimination System (NPDES) permit requirements for "stormwater discharges associated with industrial activity" under 40 Code of Federal Regulations (CFR) 122.26(b) (14). This facility has industrial activities being conducted that meet the descriptions in Section J (Mineral Mining and Dressing) of the 2008 Multi-Sector General Permit (MSGP). Additional information from the U.S. Environmental Protection Agency (USEPA) on the Multi-Sector General Permit, factsheet and how to apply is available at http://cfpub1.epa.gov/npdes/stormwater/msgp.cfm#permit_factsheet. This CEI report is based on on-site observation by NMED personnel and verbal information provided by Mr. Wayne Frasier, Site Manager.

Storm water discharges from the facility may enter Moreno Creek, thence to the Cimarron river in the Canadian River Basin in Segment 20.6.4.309 *State of New Mexico Standards for Interstate and Intrastate Surface Waters, 20.6.4 New Mexico Administrative Code* (NMAC). Moreno Creek has a Total Maximum Daily Load (TMDL) for Temperature, and Plant Nutrients. This segment includes the designated uses of domestic water supply, irrigation, high quality coldwater aquatic life, livestock watering, wildlife habitat, and primary contact; and public water supply on the Cimarron River upstream from Cimarron, on Eagle Nest Lake and on perennial reaches of Rayado creek and its tributaries. Moreno Creek runs alongside the mining operation.

An entrance interview was conducted at the site at approximately 1005 hours on August 9, 2011. The inspector presented credentials and discussed the purpose of the inspection. The inspector and Mr. Frasier toured the mining operation and upon completion a brief exit interview to discuss the preliminary findings of this inspection was conducted. The inspector left the site at approximately 1110 hours on August 9, 2011.

Finding

The Valley Materials Pit in Eagle Nest, New Mexico is operated by Northern Mountain Constructors a privately owned LLC established in 1991. The site is leased by Northern Mountain Constructors. At the site are old and damaged equipment, metal parts, wood timbers, and other stored, discarded material from previous activities. A saw mill was active here at one time also.

The active mining and crushing is taking place in the middle of this 90 acre site. Rain water falling on the active mining area would flow into a large depression and be retained and absorbed. However mined sand has been piled on the edge of the site, over twenty feet high, (see photo 1 & 2). An old containment berm can be found around the site, (see overview and photo 2). It was unknown and no documentation present to determine if the containment was still effective or if the present loose soil storage pile would continue to grow or be pushed further toward the unmaintained berm and Moreno Creek.

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At the time of the inspection August 9, 2011 the Valley Materials Pit did not have MSGP permit coverage.

An NOI was submitted to EPA by Northern Mountain Constructors on August 19, 2011 for the site, permit is pending the 60 day waiting period, NMR05HH87. The receiving stream in the NOI has been misidentified. The NOI lists Aqua Zarca as the receiving stream with no 303b listing or having a TMDL. The correct receiving stream is the Moreno Creek which has a TMDL, see listing above.

On-Site Activities

The facility appeared to generally have good housekeeping practices with no windblown litter and trash debris; there were no observed leaks from drums, or the diesel tanks.

The facility is an active mine with activities adjacent to Moreno Creek for primarily construction sand and gravels mining (SIC 1442). Activities which occur at the facility result in the creation of various pollutant sources and potential pollutants which include, but are not limited to:

<i>Activities</i>	<i>Pollutant Sources</i>	<i>Pollutants</i>
<i>Site Preparation</i>	<i>Road construction</i>	<i>Dust, total suspended solids (TSS), total dissolved solids (TDS), turbidity</i>
	<i>Removal of overburden</i>	
<i>Mineral Processing Activities</i>	<i>Rock sorting</i>	<i>Dust, TSS, TDS, turbidity, fines</i>
	<i>Raw material storage</i>	<i>Dust, TSS, TDS, turbidity</i>
	<i>Waste rock storage</i>	<i>Dust, TSS, TDS, turbidity, pH</i>
	<i>Raw or waste material transportation</i>	<i>Dust, TSS, TDS, turbidity</i>
<i>Equipment/Vehicle Maintenance</i>	<i>Fueling activities</i>	<i>Diesel/gas fuel, oil</i>
	<i>Parts cleaning</i>	<i>Solvents, oil, heavy metals, acid/alkaline wastes</i>
	<i>Waste disposal of oily rags, oil and gas filters, batteries, coolants, degreasers</i>	<i>Oil, heavy metals, solvents, acids</i>
	<i>Fluid replacement including hydraulic fluid, oil, transmission fluid, radiator fluids, and grease</i>	<i>Oil, arsenic, lead, cadmium, chromium, benzene, TCA, TCE, PAHs, solvents</i>
<i>Source: Excerpts from Industrial Stormwater Fact Sheet Series, Sector J: Mineral Mining and Processing Facilities, http://www.epa.gov/npdes/pubs/sector_j_mineralmining.pdf</i>		

There was no stormwater pollution prevention plan (SWPPP) prepared in written form and available at this site for the inspection. Facility operators must prepare a SWPPP and comply with requirements of the 2008 MSGP that include, but are not limited to: control measure selection and design considerations (e.g., minimize exposure, good housekeeping, maintenance, spill prevention and response procedures, erosion and sediment controls, management of runoff, employee training, non-stormwater discharges, waste, garbage and floatable debris, dust generation and vehicle tracking of industrial materials); inspections (e.g., routine facility, quarterly visual assessment of stormwater discharges, and comprehensive); SWPPP (e.g., content, modification, availability, additional documentation); monitoring; and reporting and recordkeeping. In addition, the 2008 MSGP has sector-specific requirements for preventing contamination of stormwater discharges (see Part 8 of the Permit).

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Sector J activities have additional requirements in the Permit (see Section 8.J) for control measures that include, but are not limited to, management practices for clearing, grading, and excavation activities; selecting and installing control measures; good housekeeping; retention and detention of stormwater runoff; inspection of clearing, grading, and excavation activities; temporary stabilization of disturbed areas; final stabilization of disturbed areas; employee training; and stormwater controls. Sector J activities also have additional requirements in the Permit for inspections and inspection reports; SWPPP documentation; and benchmark monitoring for Nitrate plus Nitrite Nitrogen (SIC 1442) and Total Suspended Solids (SIC 1411 and SIC 1442).

Other than those listed above, there were no observed structural or stabilization BMPs for the disturbed mined area and material piles in the floodplain.

**NMED/SWQB
Site Overview**

City/County: Eagle Nest, New Mexico /Colfax County	
Location: 2845 Hwy 38, Valley Materials Pit, one mile north of Hwy 64.	
Subject: Valley Materials Pit, photo taken July 1, 2005.	



Moreno Creek

**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 8/9/2011	Time: 0950 hours
City/County: Eagle Nest, New Mexico /Colfax County		
Location: 2845 Hwy 38, Valley Materials Pit, one mile north of Hwy 64/38. Facing south west.		
Subject: Sand and Gravel mining next to the Moreno creek.		



**NMED/SWQB
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: 8/9/2011	Time: 1103 hours
City/County: Eagle Nest, New Mexico /Colfax County		
Location: 2845 Hwy 38, Valley Materials Pit, one mile north of Hwy 64/38, facing west.		
Subject: On top of large material pile next to the containment berm		

