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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Surface Water Quality Bureau

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DAVE MARLIN
Secretary

BUTCH TONGATE,
Deputy Secretary

Certified Mail - Return Receipt Requested

November 9, 2011

Mr. Herman Tabet, Owner
Tabet Concrete, LLC
606 Baca
Belen, New Mexico 87002

RE: Industrial Stormwater; SIC 3273, NPDES Compliance Evaluation Inspection; Tabet Concrete, LLC; NPDES Permit No. NMU001774; October 20, 2011

Dear Mr. Tabet:

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/ Sarah Holcomb for
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
Darlene Whitten-Hill (6EN-WM) by e-mail
NMED District I by e-mail



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 1 7 4 11 12 1 1 1 0 2 0 17 18 ~ 19 S 20 2					
Remarks					
R E A D Y M I X C O N C R E T E					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 3	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) I-25 South towards Belen, Exit 199, after exiting, make a quick left onto Don Luis Trujillo Blvd (frontage Road). Facility can be seen from the road. Valencia County	Entry Time /Date 1220 Hours / October 20, 2011	Permit Effective Date 9-29-2008
	Exit Time/Date 1316 Hours / October 20, 2011	Permit Expiration Date 9-29-2013
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Larry Winsor, Plant Manager / (505) 864-4470	Other Facility Data	
Name, Address of Responsible Official/Title/Phone and Fax Number Herman Tabet, Owner 606 Baca Belen, NM 87002 (505) 220-8747 / (505) 864-1647	GPS: N. 34.71991° W. -106.78607° Facility Sector: Sector E SIC: 3273	
Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

Section C: Areas Evaluated During Inspection

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

U	Permit	N	Flow Measurement	S	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	U	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
S	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)

- The Inspector arrived on site at approximately 1220 hours, made introductions, presented credentials, and explained the purpose of the inspection.
- The inspector and Mr. Larry Winsor, Plant Manager toured the facility and reviewed paperwork.
- The Operator failed to obtain and maintain permit coverage under the 2008 Multi-Sector General permit.

Name(s) and Signature(s) of Inspector(s) Sandra Gabaldon /s/ Sarah Holcomb for	Agency/Office/Telephone/Fax NMED/SWQB (505) 827-1041 / (505) 827-0160	Date 11-9-2011
Signature of Management QA Reviewer Richard Powell /s/ Richard Powell	Agency/Office/Phone and Fax Numbers 505-827-2798	Date 11-9-2011

Tabet Concrete, LLC
Compliance Evaluation Inspection
Multi-Sector General Permit
Permit No. NMU001774
Inspection Date: October 20, 2011

Further Explanations

Introduction:

On October 20, 2011, a Compliance Evaluation Inspection (CEI) was conducted at Tabet Concrete in Belen, Valencia County, New Mexico by Sandra Gabaldon of the New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) on behalf of the United States Environmental Protection Agency (USEPA). The purpose of this inspection was to document the 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). Facility is a ready – mix concrete plant (see Standard Industrial Classification (SIC) code 3273) that meets the description in Category 40 CFR 122.26(b)(14)(ii), and Sector E of the MSGP. This plant produces ready-mix concrete which may include products such as aggregate, slag limestone, pumice, slate and admixture.

Stormwater may discharge to the Belen Highline canal, thence to the Feeder Ditch Number Three and thence to the Rio Grande in segment 20.6.4.105 *NMAC of the State of New Mexico Standards for Interstate and Intrastate Waters*. Designated uses include: Irrigation, marginal warmwater aquatic life, livestock watering, public water supply, wildlife habitat and primary contact.

This facility maintains a perimeter dirt berm along the borders of their property which partially contains stormwater run-off/run-on on their site.

Upon arrival at 1220 hours, the inspector made introductions, stated the purpose of this inspection and presented credentials to Mr. Larry Winsor, Plant Manager. Mr. Winsor proceeded to contact the owner, Mr. Herman Tabet. Mr. Tabet arrived on scene and again the inspector made introductions, stated the purpose of the inspection and discussed the requirements of the Multi-Sector General Permit. The inspector and Mr. Winsor briefly toured the facility. Following the tour, an on-site exit interview to discuss preliminary findings was conducted with Mr. Winsor. The inspector left the facility at approximately 1316 hours.

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.*”

USEPA's MSGP was re-issued effective September 29, 2008 (Federal Register/Vol.3, No. 189/Monday, September 29, 2008 pg. 56572) and replaced the 2000 MSGP which expired on October 30, 2005. Common requirements for coverage under an industrial stormwater permit include development of a written stormwater pollution prevention plan (SWPPP), implementation of control measures, and submittal of a request for permit coverage, usually referred to as the Notice of Intent (NOI). The SWPPP is a written assessment of potential sources of pollutants in stormwater runoff and control measures that will be implemented at your facility to minimize the discharge of these pollutants in runoff from the site.

These control measures include site specific best management practices (BMPs), maintenance plans, inspections, employee training, and reporting. The procedures detailed in the SWPPP must be implanted by the facility and updated as necessary, with a copy of the SWPPP to be kept on-site for review by either NMED or EPA.

The industrial stormwater permit also requires collection of routine, visual and/or analytical compliance monitoring data to determine the effectiveness of implemented BMPs. For more information on EPA's industrial stormwater permit go to www.epa.gov/npdes/stormwater and click on "Industrial Activity".

A SWPPP should include the following information:

- A description of potential pollutant sources – includes 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. Non-structural and structural BMPs to be described and implemented include such things as good housekeeping, preventative maintenance, spill prevention and response procedures, periodic inspections, employee training, record keeping, non-stormwater evaluations and certifications, sediment and erosion control, as well as implantation/maintenance of traditional stormwater management practices, where appropriate.

Findings:

After review of the Notice of Intent database on the EPA website, no Notice of Intent was found for Tabet Concrete, LLC. Therefore, it is believed that the operator did not obtain permit coverage under the USEPA 2008 MSGP when the permit became available, nor did this facility complete a stormwater pollution prevention plan to discuss stormwater run-off and run-on for this facility.

Development of a stormwater pollution prevention plan provides a written assessment of potential sources of pollutants in stormwater run-off and control measures that will be implemented at the facility to minimize the discharge of pollutants from the site. The procedures detailed in the SWPPP must be implemented by the facility and updated as necessary, with a copy of the SWPPP kept on-site.

Mr. Winsor stated that he was unaware of the permit requirements at this time. He also stated that he will aggressively work on developing the SWPPP as soon as possible in order to file the Notice of Intent for this facility.

In the interim, Mr. Winsor will continue to ensure that the berming is maintained and the site is kept clean and orderly to minimize any potential pollutants from running off site.