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Governor

JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Surface Water Quality Bureau

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DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

November 29, 2011

David Sanchez, Chairman
New Mexico State Fair Commission
P.O. Box 8546
Albuquerque, NM 87198

Mr. Dan Mourning, General Manager
Expo New Mexico
P.O. Box 8546
Albuquerque, NM 87198

Re: Concentrated Animal Feeding Operation, SIC 7948, SIC 0272, NPDES Compliance Evaluation Inspection, Expo New Mexico and The Downs Racetrack, NMU001778 and NMU001779, November 15, 2011

Dear Messrs. Sanchez and Mourning,

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, (6EN-WM) and Abu Senkayi (6EN-WR), 1445 Ross Ave., Dallas, Texas 75202) and NMED (at above address) regarding modifications and compliance schedules.

I wish to thank you for the cooperation extended to the NMED personnel by Mr. John Jaramillo of Expo NM, Mr. Wayne Epstein of The Downs, and Ms. Karen Giles of Expo NM while at this facility. If you have any questions about this inspection report, please contact me at (505) 222-9587 or sarah.holcomb@state.nm.us.

Sincerely,
/s/ Sarah Holcomb
Sarah Holcomb
Environmental Scientist/Specialist
NMED Surface Water Quality Bureau

Cc: Tracy Wolf, Chief Operating Officer, The Downs at Albuquerque, P.O. Box 8510, Albuquerque, NM 87198
Marcia Adams, USEPA (6EN-AS) by e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Diana McDonald, USEPA (6EN-WM) by e-mail
Samuel Tates, USEPA (6EN-AS) by e-mail
Abu Senkayi, USEPA (6EN-WR) by e-mail
Darlene Whitten-Hill, USEPA (6EN-WM) (by e-mail)
William Chavez, Acting NMED District 1 Manager (by e-mail)
Kathy Verhage, City of Albuquerque DMD (by email)



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	7	9	11	12	1	1	1	1	1	5	17	18	-	19	S	20	2	
Remarks																													
S	M	A	L	L	M	S	4																						
Inspection Work Days				Facility Evaluation Rating				BI		QA		-----Reserved-----																	
67				69	70	1			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) EXPO NEW MEXICO, BERNALILLO COUNTY: FROM I-40, TAKE THE SAN MATEO EXIT. TURN RIGHT ON SAN MATEO, THEN LEFT ON LOMAS. TURN RIGHT ON SAN PEDRO, AND ENTER FAIRGROUNDS AT GATE 3.		Entry Time /Date 1010 hours / 11-15-2011	Permit Effective Date 7-1-2007
		Exit Time/Date 1230 hours / 11-15-2011	Permit Expiration Date 6-30-2012
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) MR. JOHN JARAMILLO, DIR. SPECIAL PROJECTS, EXPO NM (505) 222-9700 fax (505) 266-7784 MR. WAYNE EPSTEEN, DIR. SPECIAL PROJECTS, THE DOWNS (505) 266-5555 MS. KAREN GILES, RISK MANAGEMENT DIRECTOR, EXPO NM (505) 222-9700 MR. RAYMOND HENSLEY, P.E., HENSLEY ENGINEERING GROUP (505) 999-1900		Other Facility Data GPS: N. 35° 4' 53.98" W. -106° 34' 33.34"	
Name, Address of Responsible Official/Title/Phone and Fax Number MR. DAVID SANCHEZ, CHAIRMAN, NEW MEXICO STATE FAIR COMMISSION, PO BOX 8546, ALBUQUERQUE, NM 87198 MR. DAN MOURNING, GENERAL MANAGER, EXPO NEW MEXICO, PO BOX 8546, ALBUQUERQUE, NM 87198 (505) 222-9700*		SIC: 7948 0211	
		Contacted Yes <input 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	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		Other:

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

- 1.FACILITY DOES NOT HAVE SMS4 PERMIT COVERAGE
- 2.SEE REPORT AND FURTHER EXPLANATIONS

Name(s) and Signature(s) of Inspector(s) SARAH HOLCOMB /s/ Sarah Holcomb	Agency/Office/Telephone/Fax NMED/SWQB 505-222-9587	Date 11-29-2011
Signature of Management QA Reviewer RICHARD E. POWELL /s/ Richard Powell	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2798	Date 11-29-2011

NPDES Compliance Inspection
Expo New Mexico/The Downs at Albuquerque
Further Explanations

Introduction

On November 15, 2011, a Compliance Evaluation Inspection was conducted at the Expo New Mexico/State Fairgrounds facility (New Mexico State Fair Commission property owned by the State of New Mexico), an animal feeding operation located at Albuquerque, New Mexico by Sarah Holcomb and Richard E. Powell of the NMED. The purpose of this inspection was to document the facility's status regarding the NPDES Concentrated Animal Feeding Operation (CAFO) permit program and CAFO regulations at **40 Code of Federal Regulations (CFR) Part 122 and 40 CFR Part 412** as well as the facility's status regarding the sMS4 permit and stormwater regulations at **40 CFR Part 122.26**.

Expo New Mexico is responsible for operating a year-round service and events facility and is also responsible for putting on the annual state fair. Expo NM has a tenant, the Downs at Albuquerque, which operates a race track and casino on the Expo NM property. The Downs has leased approximately 93 of Expo's 236 acres since 1985. The racing season is from approximately August through mid-November, which is about 100 days. Other events, including the fair, are held throughout the rest of the year. Facility representatives indicated that their maximum capacity is 1374 horses, but that fluctuates by about 20-50 head. Although some horses remain on site all year, there are far fewer during the non-racing season. One of the larger activities is the Arabian horse show that brings in 900 horses, and which lasts for approximately a week and a half. A variety of other livestock are present during the state fair.

Since there appears to be minimal or no containment, runoff from this animal feeding operation apparently periodically discharges via the Expo NM small MS4 to the Albuquerque large MS4; thence to the Rio Grande in Segment 20.6.4.105 NMAC of the Rio Grande Basin. This report is based on a review of records maintained by the facility, on-site observation by NMED personnel and verbal information provided by the facility's representatives; Mr. John Jaramillo, Director of Special Projects for Expo NM, Mr. Wayne Epstein, Director of Special Projects for the Downs at Albuquerque, Mr. Raymond Hensley, consultant for Expo NM, and Ms. Karen Giles, Risk Management Director for Expo NM.

An entrance interview was conducted and credentials were presented to Mr. Jaramillo and others at approximately 1010 hours on November 15, 2011. The purpose of the inspection as well as a brief discussion of the CAFO regulations, MS4 regulations, and permit requirements was discussed with Mr. Jaramillo, Mr. Epstein, Mr. Hensley and Ms. Giles. In addition, preliminary findings of this inspection were discussed with Mr. Jaramillo and Ms. Giles during the exit interview.

Findings

There is a complex infrastructure situation that complicates matters at this facility. Please see attached map for a demonstration of this. Expo New Mexico is located in the middle of the city of Albuquerque on land owned by the state of New Mexico. Apparently in 1982, an easement was granted to allow the city to install flood control/stormwater infrastructure at this site on state land. This infrastructure drains approximately 2.6 square miles of the neighborhoods that directly border Expo NM to the East. The drainage from this area is sent to a large sectionalized storm surge pond located at the east end of Expo NM. An outlet from this pond was constructed to connect it to the existing storm drain system constructed in the 50s. This subsurface outlet pipe crosses the north end of Expo, through the area where the animals are stabled. According to the facility representatives, pond overflows occasionally also discharge on the surface and flow through the stable areas.

After this stormwater drainage pipe passes the stabling area, the pipe terminates in a two-cell stormwater surge detention pond located near the northwest corner of Expo NM. (Please see the attached map.) The

northern most cell receives both the above offsite drainage from the east as well as stormwater from the racetrack, stable area and manure storage areas. There are also numerous wash racks located around the stabling facilities (please see picture #1). Discharges of contaminated stormwater from both the racetrack, stable area and manure storage areas, and the water from these wash racks is allowed to flow, mostly via the stable area road drainage system, uncontained to several drop inlets located throughout the stable area. Runoff to these drop inlets is conveyed to the above Albuquerque MS4 pipe and thence to this north cell. The north cell overflows into a second, south cell. There is also some additional sheet flow from the stable and manure storage areas to this north cell.

This southern cell collects stormwater runoff from both the northern cell as well as from San Pedro Boulevard. There is a culvert between the two ponds that equalize the two in the event of a large storm. The discharge structure from these two ponds is located in the southern cell. This pond system is designed primarily to provide temporary, short duration detention of storm surges prior to discharge back into the Albuquerque MS4 conveyance infrastructure. As such, the outlet is basically located at the bottom of the structure to allow relatively rapid de-watering.

There is no long term manure storage on site. The animal waste is collected daily, placed into a plastic bin, and transported to one of several (generally covered) muck bins (See picture #2). A loader is then used to empty the bins and load the waste into a dump truck. The truck hauls the waste to a Waste Management container, which is then shipped offsite to a composting facility.

This facility appears to meet the definition at 40 CFR 122.23(b) of a large CAFO and a CAFO that “discharges or proposes to discharge” must seek authorization to discharge under an NPDES permit even if such discharges are intermittent, sporadic, even occasional. These intermittent or sporadic discharges are nonetheless “discharges” under the federal Clean Water Act (CWA) and are prohibited unless authorized under the terms of an NPDES permit. This facility did not have NPDES CAFO general permit coverage on the date of this inspection. A CAFO that operates without a permit must be designed, constructed, operated, and maintained such that no discharge will occur, because any discharge (other than agricultural storm water) is prohibited from an unpermitted CAFO pursuant to CWA section 301(a). This facility discharges via an internal small MS4 system, directly into the Albuquerque MS4. This appears to represent an unpermitted discharge to a “water of the United States.” This also appears to indicate a failure by the City of Albuquerque to adequately implement the “Illicit Discharges and Improper Disposal” component (Part II.A.6) required by their Phase I MS4 permit (NMS000101). The operators of this facility have not documented that the production area is designed, constructed, operated, and maintained so as not to discharge. In addition, the operators have not developed and implemented a Nutrient Management Plan (NMP) to ensure no discharge that, at a minimum, addresses the elements set forth in 40 CFR 122.42(e)(1) and 40 CFR 412.37(c).

This facility also appears to meet the definition at 40 CFR 122.26(b)(16) of a Small Municipal Separate Storm Sewer System (sMS4). The facility was queried in a Section 308 letter in 2009 as to why they had not submitted a Notice of Intent for permit coverage under the sMS4 permit, and the facility’s response at that time was that they were unable to, due to the infrastructure situation as described above.

NMED/SWQB
Official Photograph Log
Photo # 1

Photographer: Sarah Holcomb	Date: 11-15-2011	Time: 1133 hours
City/County: Albuquerque/Bernalillo County		
Location: Expo NM, near Lomas and San Pedro Blvd.		
Subject: Wash racks located in the stabling areas of the CAFO.		



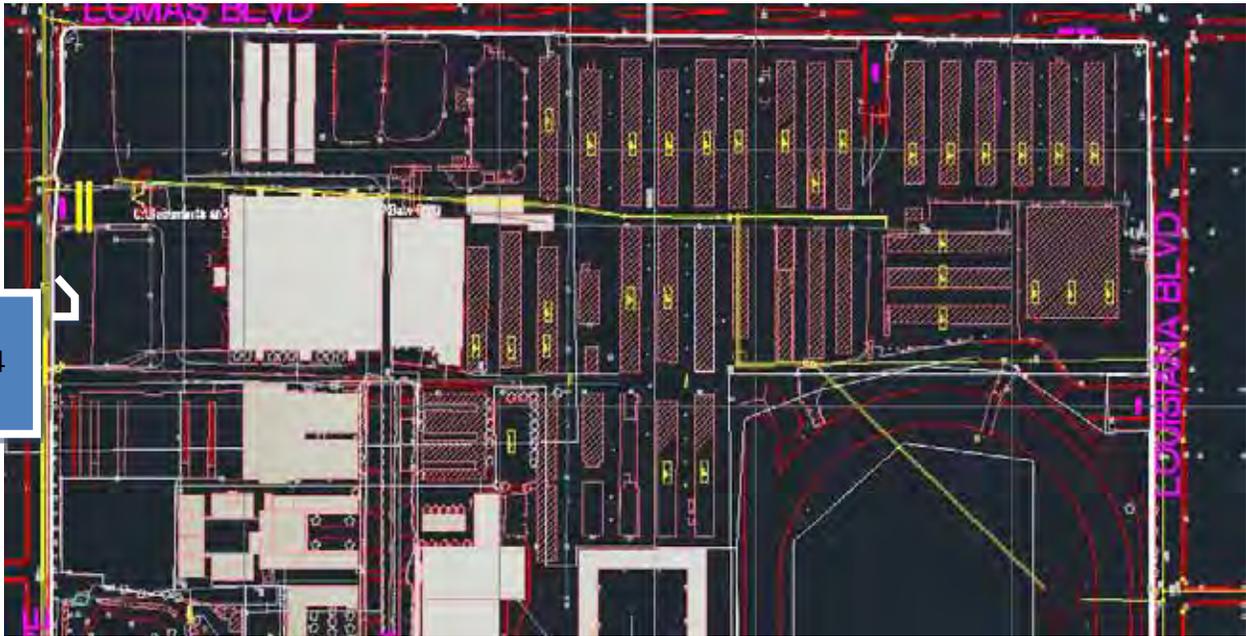
NMED/SWQB
Official Photograph Log
Photo # 2

Photographer: Sarah Holcomb	Date: 11-15-2011	Time: 1133 hours
City/County: Albuquerque/Bernalillo County		
Location: Expo NM, near Lomas and San Pedro Blvd.		
Subject: Muck bins as part of the manure management process.		



Exhibit #1:

Storm drainage layout of the facility. Stormwater enters Expo NM on the Louisiana Blvd. side and follows the pipes (indicated by the yellow lines) through the CAFO facility. Drainage from the CAFO facility is directed to the stormwater pipe through various drop inlets. The pipe continues to the stormwater retention pond located at the top left corner of the diagram below. The two large yellow lines in this area indicate the culvert used to equalize the two ponds in this area. The discharge to the Albuquerque MS4 is from the southern pond in this area (indicated by the inspector's added number 1.)



Outfall to
ABQ MS4
"1"